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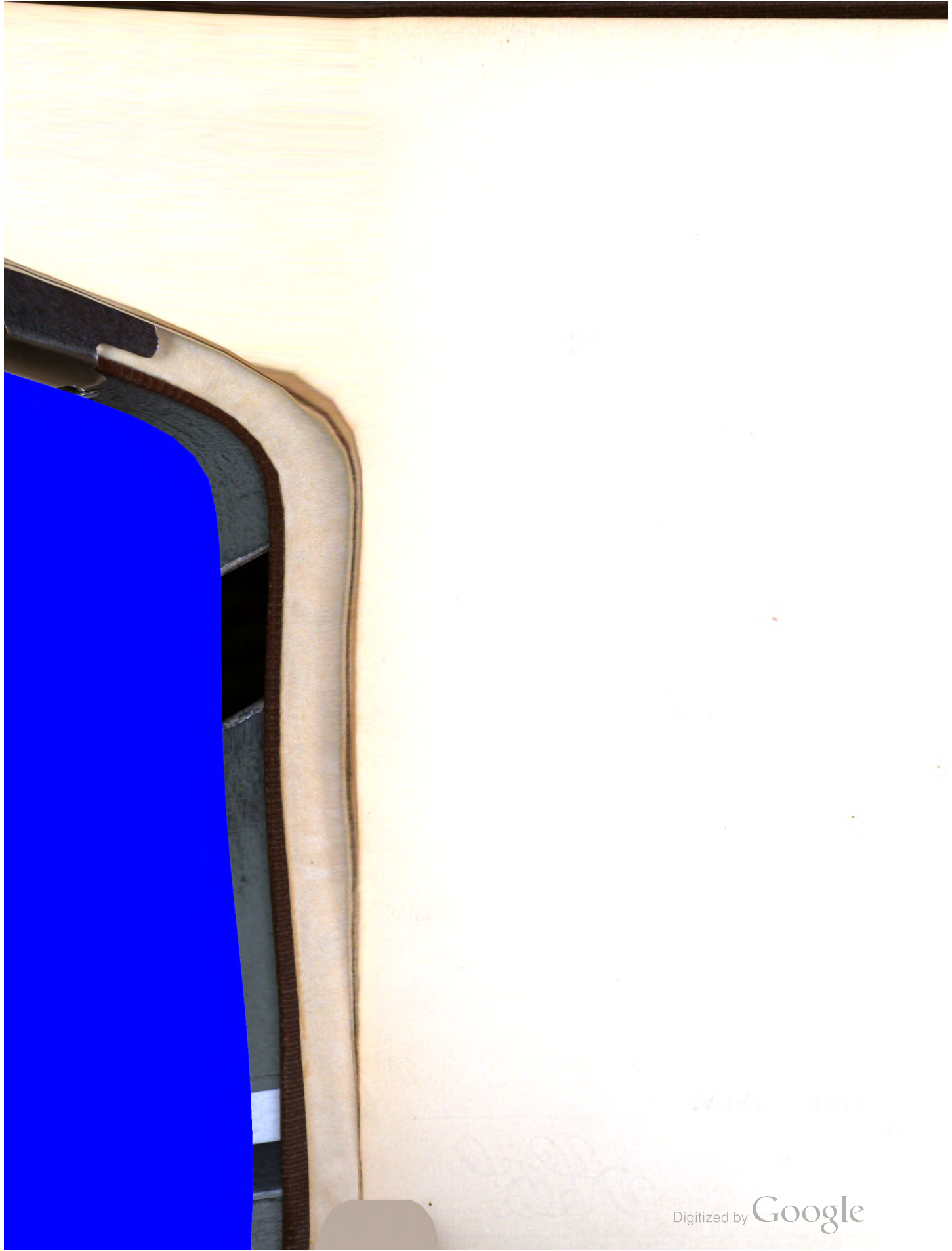
**ACTS AND PROCEEDINGS**  
**OF**  
**THE GENERAL ASSEMBLIES**  
**OF THE**  
**KIRK OF SCOTLAND,**  
**FROM THE YEAR M.D.LX.**

**COLLECTED FROM THE MOST AUTHENTIC MANUSCRIPTS.**

**PART THIRD. M.D.XCIII.—M.DC.XVIII.**

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**EDINBURGH, M.DCCC.XLV.**



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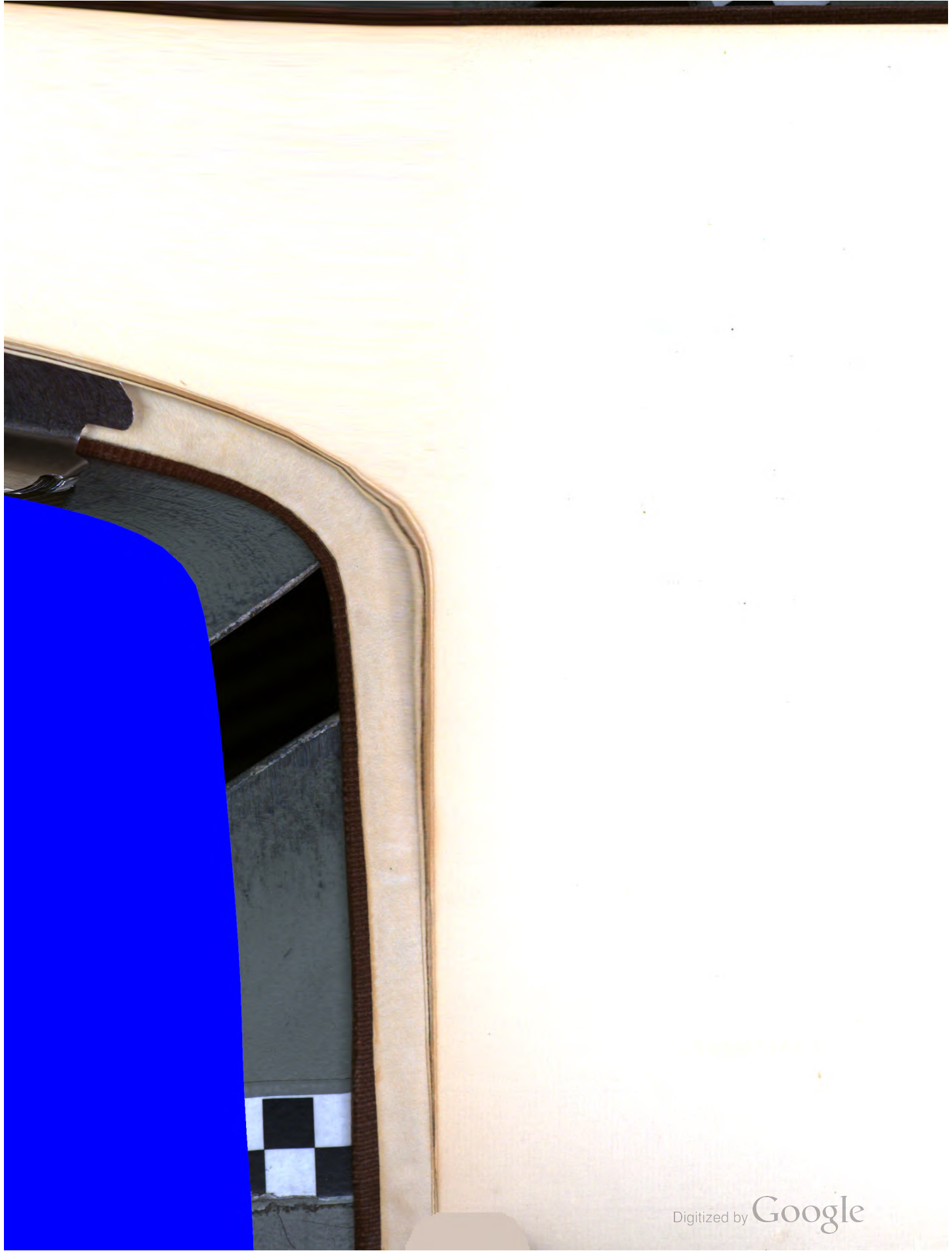
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THE Volume now presented to the Club, embraces the concluding portion of the Recorded Proceedings of the General Assemblies of the Church of Scotland, held within the period contemplated in the present Work. Its delivery has been retarded by accidental circumstances, in themselves of little importance ; but the delay has afforded an opportunity of rendering this compilation somewhat more accurate and complete.

The Index to the entire Work has been compiled by Mr DAVID MEEK, with that extreme accuracy and exact knowledge of the early history of the Scottish Church, for which he has been so long distinguished. It may be proper to mention, that the additions and corrections to the Index were chiefly owing to his great anxiety to render it more perfect, from new sources of information which became available after the sheets had been sent to press.

EDINBURGH, *March* 1845.



# THE BANNATYNE CLUB.

DECEMBER, M.DCCC.XLIV.

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PATRICK FRASER TYTLER, ESQ.

ADAM URQUHART, ESQ.

100 RIGHT HON. SIR GEORGE WARRENDER, BART.

At an Extraordinary General Meeting of the BANNATYNE CLUB,  
held in the Apartments of the Antiquarian Society, on Friday  
the 8th of July 1836:

THE PRESIDENT having stated, that the destruction of the early Registers of the Church of Scotland, in the year 1834, being no longer a matter of doubt, it had become highly desirable that measures should be taken for collecting and printing, in addition to the volume known by the title of "The Booke of the Universall Kirk of Scotland," whatever else could yet be recovered from authentic sources of the recorded proceedings of the General Assemblies, from the era of the Reformation to the period from which the original Registers were still extant. The Meeting approved of the President's recommendation, and he was requested to take such steps as he might judge fit for preparing a specimen of the proposed Work.

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At a Meeting of the COMMITTEE of the BANNATYNE CLUB, held at  
Edinburgh, in the House of the President, on Monday the 13th  
day of November 1837:

The PRESIDENT stated, that he expected soon to exhibit a specimen of "The Booke of the Universall Kirk,"—and suggested, that it should be put within the option of the MAITLAND CLUB to secure copies of the Work, by furnishing paper and paying a proportionate share of the expense. The Secretary was directed to make a communication to this effect.

At an Extraordinary General Meeting of the BANNATYNE CLUB,  
held in the Hall of the Antiquarian Society, on Monday the  
29th of January 1838 :

In pursuance of the Minute of the Committee on the 13th of November last, and after communicating with the Committee of the Maitland Club, it was **RESOLVED**,—That the printing of “The Booke of the Universall Kirk of Scotland,” containing the Acts and Proceedings of the General Assemblies of the Church, from the year M.D.LX., be proceeded with, under the superintendence of **THOMAS THOMSON, Esq.**, President of the Club, at the joint expense, and for the use, of the Members of the **BANNATYNE and MAITLAND CLUBS**.

DAVID LAING, SECRETARY.

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At an Extraordinary General Meeting of the BANNATYNE CLUB,  
held at Edinburgh, in the Hall of the Antiquarian Society,  
on Monday the 15th day of April 1839 :—

**RESOLVED**,—That the First Part of “The Acts and Proceedings of the General Assemblies of the Kirk of Scotland, from the year M.D.LX., collected from the most authentic Manuscripts,” and now printing for the Bannatyne and Maitland Clubs, be circulated among the Members.

DAVID LAING, SECRETARY.



## THE PREFACE.

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IN presenting to the Club these remains of the Recorded Proceedings of the Church of Scotland, during the first half century after the Reformation, it may be fit to offer some explanation of the causes of their imperfect state; and not uninteresting to trace the successive dangers and escapes through which the original muniments had passed, down to the period when there is too much reason to believe they were left to perish in the conflagration of the Houses of Parliament in the year 1834.

The duty of recording the proceedings, and framing the Registers of the General Assemblies of the Church, was from the first entrusted to an officer regularly elected; to whom also was committed their ordinary custody.\* In these Registers was embodied the most authentic

\* This officer appears under the various designations of "Scribe" or "Clerk of the Assembly,"—"Common Clerk of the Kirk,"—and "Clerk of the General Assemblies, and Keeper of the Register of the same." During the period embraced in the following volumes, the office was held by four different persons in succession, whose names have been rendered of some importance, in tracing the subsequent history of these records. The first in order was Mr John Gray, whose appointment was probably coeval with the first General Assembly in 1560. In the Register of Ministers, &c. 1567, (printed for the Maitland Club,) there is the following entry, which shews that his services were not entirely gratuitous :—"Mr John Gray, Keipar of Registre of Ministers, thair Stipendia, " Extractor thair of, and Clerk of the Generale Assembleis and Keipar of the Registre

evidence of the original constitution of the Presbyterian Church, and of its practical administration under the guidance of those able and distinguished men by whose exertions and influence its reformation had been achieved. To their well-known importance in that view, have been mainly owing the perils and injuries to which these records have been exposed.

During the first twenty years after the Reformation, the prevailing current of opinion in favour of the Presbyterian polity had been little disturbed, and the Registers of the Church appear to have remained in the custody of the proper officer; but in the course of the subsequent struggles for the re-establishment of Episcopacy, they acquired a sinister interest, and by some disorderly means had passed into other hands, from which they were ultimately rescued with no little difficulty. Although ignorant as yet of the injuries they had sustained, and even uncertain into whose hands they had fallen, the leaders of the Church became anxious to recover the possession of these records, and to replace them under the care of their own officers. Accordingly, in the General Assembly held in May 1586, two of the members were "directit  
" to the Kings Majestie to sollicite the redelyverance of the same,  
" [and] returnit his Hienes answer, That they sould be delyverit  
" to the Clerk ilk day during the Assemblie, but at evin they

" of the same, in recompense of his labouris bigane and to cum, ij<sup>e</sup> ti." In 1574, Mr James Ritchie was elected his successor, and sworn into the office with great solemnity. On his decease in 1596, Mr Thomas Nicolson, advocate, (and Commissary of Aberdeen,) was, by a plurality of votes, chosen, sworn, and admitted; and, with some temporary interruptions, retained the office till 1618, when, on his "dimission," Mr James Sandilands was received in his place. In 1638, Mr Archibald Johnston, (afterwards better known as Lord Wariston,) was elected Clerk by the General Assembly held at Glasgow; and to him succeeded Mr Andrew Ker, who survived the Restoration in 1660.

“ sould be in the hands of the Lord Privie Seale quhill the end  
 “ of the said Assemblie; betwixt and quhilk day his Majestie  
 “ wald be present himselfe.” This strange reserve in permitting (P. 647.)  
 to the Church the custody and use of her own Records, was apparently intended to elude the detection of the frauds practised by those into whose hands they had fallen; while, at the same time, it well harmonized with the favourite views of the King in asserting a civil supremacy over the ecclesiastical establishments of the country.

In the Assembly held in June 1587, “ the King’s Commissioners  
 “ having offered their concurrence in recovering the Registers, if it  
 “ might be known in whose hands they were; and the Moderator  
 “ having desyrit the brether that could give any light in this matter  
 “ to manifest the same,” it was ascertained that they were then in (P. 686.)  
 the possession of Patrick Adamson, Archbishop of St Andrews: and the royal authority having been obtained in aid of that of the Church, to compel their production, it would appear that in the first instance they had been given up to the Lord Secretary; and after much hesitation and cavil, there was “at length presentit  
 “ to the sight of the kirk fyve volumnes of thair Actis, quherof  
 “ a great part being mankit, and, after the sight thereof, being  
 “ redelyverit,—the haill brether ordainit ane heavie regrate to  
 “ be made to his Majestie in article, lamenting the away taking and mutilating of the saids Bookes, and to crave that the  
 “ same may be restored, and also that the saids Bookes may be  
 “ delyverit in the Kirks hands, to remane with them as their  
 “ awne Register, namelie in respect of the answer returnit from  
 “ my Lord Secretar, that his Majesties will was, that the Kirk sould  
 “ have inspection thereof as they had adoe presently, and to give  
 “ them up againe.” (P. 697.)

The restoration of the mutilated parts of the Registers, was unhappily no longer possible; but the story of this disgraceful

proceeding seems to have been first disclosed, in the year 1591, in the humiliating confessions elicited from Archbishop Adamson by the Provincial Synod of Fife. He there ventures to assume to himself the credit of having saved the Acts of the General Assembly from the flames, to which they were destined by the Earl of Arran ; but confesses, that “ upon a certain day in Falkland, before  
 “ they were delivered to the Kings Majestie, the Bishop of N. accompanied with Mr Henry Hamiltoun, rent out some leafes, and  
 “ destroyed sic things as made aganis our estate, and that not  
 “ without my awne speciall allowance.” \*

There seems to be no doubt, that prior to the date of these disclosures, the Registers of the Church had been replaced in the hands of the Clerk of the Church, nor does it appear that any further attempts were then made to disturb their legitimate custody. But hazards of another kind were awaiting them. On the overthrow of the Presbyterian polity in the year 1606, its muniments were no longer regarded as of dangerous importance ; and for more than thirty years they appear to have been neglected and lost sight of by the Church. The period however was fast approaching

\* Row's History of the Kirk of Scotland, p. 123. Edin. 1842, 8vo. In the Latin edition or version of this *Palinodia*, the passage relative to the Books of the Kirk is thus given : —“ Quod ad illud quod quæritis, quis casus obtigerit Commentariis Synodi Generalis, ita res se habet. Integros servavi in reditum nobilium et ministrorum ex Anglia : quod si non fecissem, Comiti Araniæ in animo erat curare ut conjicerentur in ignem. Falcolandiæ quodam die, priusquam traditi sunt Regiæ Majestati, Episcopus N. una cum M. Henrico Hammiltonio discerpit quædam folia, et ea quæ adversus ordinem nostrum ulli usui esse possent, idque me approbante.”—A. Melvini Musæ, et P. Adamsoni Vita et Palinodia,—p. 51. 1620, 4to. It has been supposed that the person here alluded to was David Cuninghame, who had been preferred to the Bishoprick of Aberdeen in the year 1577. The extent of the mischief thus practised has not been exactly ascertained, but the indications of this rough process of castration will be found in the following work, at pages 417, 424, 461, 465, 474.

when a due sense of their importance was to revive ; and very serious alarms for their safety had begun to prevail, when, to the surprise of all, the greater part of them was brought to light in the General Assembly held at Glasgow in the year 1638. Of that unexpected and joyous event, the contemporary historians of the Presbyterian Church have been anxious to preserve the minute and interesting details.\* It may here suffice to state, that by the successful exertions of Mr Archibald Johnston, who had been then chosen Clerk of the Church, and who was destined to act a still more prominent part in after life, the greater part of the Registers prior to 1590 had been traced and found in the hands of private individuals, officially connected with Mr Thomas Nicolson, the last regular Clerk, in whose possession they had been left after his "dimission" in 1618. Those only of subsequent date had been received by his successor Mr James Sandilands, whose son, an unsuccessful candidate for the clerkship, surrendered them to the Assembly.

On the part of the Royal Commissioner, there was shown an evident disinclination to recognise the authenticity of these records; but to put an end to all doubts on that head, the books were subjected to a minute and careful scrutiny, by a Committee of distinguished members ; whose elaborate report, proving them to be "true, famous and authentick registers of the Kirk," was ultimately approved by an unanimous decision of the Assembly.

(App. p. xxiii.)

Of these more ancient records there were in all five volumes ; four of which were found to contain the original record of the Assembly's Proceedings from 1560 to 1590 ; with the exception of that from March 1572 to March 1573, and of that from July 1580 to October 1583. The former of these was recovered and pro-

\* See Appendix, No. I.



(App. p. XXVIII.) duced to the next General Assembly held in 1639; of the other no trace appears ever to have been found. \* That loss however was supplied by a fifth, what is described as the "greatest volume," and which proved to be a well-authenticated "duplicate" of the entire series of proceedings prior to the year 1590.

From the state of safe custody to which they were thus once more restored, the records of the Church were doomed to be again withdrawn, at the disastrous period of the English invasion in 1650. After several transfers from place to place, it was thought advisable to seek a shelter for them in the fortress of the Bass: in April 1651 a requisition was sent to the keeper, "that the Bass might be made " secure for the Registers, as it had been in a former day of calamity;" and as a further precaution against the accidents of war, it was " agreed that the great volume, being a duplicate of some of the rest," should be sent to the castle of Dunottar, to which the Regalia of the (App. p. XXIX.) Kingdom had been carried. But neither the Regalia, nor "the great volume," were very long considered as in a place of safety; and on the authority of a letter from certain members of the Commission of the Church assembled at Aberdeen, on the first of September 1651, the Register in question was delivered to the Earl of Balcarras, who had been the High Commissioner to the General Assembly held at St Andrews in the preceding month of July.† The more important portion deposited in the fortress of the Bass, fell soon afterwards into the hands of the English invaders, and was removed from

\* From the proceedings in the Assembly 1638, given in the Appendix, it appears that these missing volumes were supposed to be in the hands of Archbishop Spottiswood, who is stated by Lord Rothes to have obtained from the king a warrant to demand them from Nicolson, the former clerk, and from whom the later volumes after 1590 were obtained by Sandilands. It is highly probable that the Archbishop had desired to have the use of these Records in the composition of his Ecclesiastical History.

† See Dr M'Crie's *Memoirs of Veitch*, &c. p. 524.

Scotland in pursuance of an Order of the House of Commons, April 27, 1652,—“ That Major-General Dean cause the public Records “ of the Kirk, taken in the said isle, [the Bass,] to be packed up in “ cask and to be sent to the Tower of London, there to remain in “ the same custody that the other Records that come from Scot- “ land are.”

In 1657, Sir Archibald Johnstoun, Lord Wariston, in virtue of his office of Clerk Register, was successful in obtaining from the Protector's Council a warrant for restoring to Scotland such of the public Records “ as concern private men's cases and interests only ;” but all those “ of a public nature” were retained till the period of the Restoration. There can be little doubt that his ardent zeal in the service of the Kirk would not allow him to be inattentive to the fate of these Registers ; but of the means or the time of their actual release from the Tower, no distinct traces have been found. They do not appear to have been included among the Records surrendered in 1657, of which a full Inventory is preserved ; and although it might be presumed that they were sent back to Scotland in September 1660, along with the other Public Records of the Kingdom, yet no distinct traces of their existence or subsequent fate have been found. The possibility of their retention in England, for reasons similar to those which prevented the transfer to Scotland of the Acts and Proceedings of Parliament during the Civil War, might have left a glimpse of hope for their ultimate recovery, had not the recent arrangement of the Records in the State Paper Office, and at the Tower, precluded every chance of their being yet discovered in those repositories. Whether these Registers of the Church may not have formed a part of the Records that were lost at sea on the voyage to Scotland in 1660, must remain a matter of mere conjecture, as there exists no satisfactory evidence of what was included in that unfortunate cargo. If it be supposed barely possible that they

were brought back to Scotland, the only conjectural alternative which remains is, that they may have perished in the great fire at Edinburgh in the year 1701, which consumed a large mass of consistorial and ecclesiastical records.\*

The other portion of the Church's muniments which had been transferred to the castle of Dunnottar in 1651, and afterwards placed in the hands of Lord Balcarras, there seems reason to believe, had been committed by him to the custody of Mr Andrew Ker, the successor of Lord Wariston in the Clerkship of the General Assembly, and on his death, had passed into the possession of his brother and heir, Mr Robert Ker. After the death of the latter in 1677, they are said to have been discovered in his private repositories, either in consequence of some previous information conveyed to the Government, as stated by Bishop Keith,† or more probably by the officers of the Commissary Court, in the course of their official researches. How they afterwards came into the possession of Paterson, Bishop of Edinburgh, does not appear; but in his hands they were retained, after the re-establishment of Presbytery in 1689; and in disregard of unquestionable legal rights and obligations, he appears to have treated them as articles of merely antiquarian curiosity, and, as such, to have presented or bequeathed them to the Honourable Archibald Campbell, an eminent virtuoso in his day, and afterwards a titular bishop of the Episcopal Church of Scotland. Bishop Paterson died in 1708; and it is remark-

\* In the General Assembly at Edinburgh, March 1703, an Act was passed "for supplying and preserving the Registers and Papers belonging to the General Assemblies, Committees, and Commissioners thereof;" proceeding on this preamble: "The General Assembly taking into their consideration the great loss the Church hath sustained by the burning of several of their Registers and some papers, in that dreadful fire which happened in the Lawn Mercat of Edinburgh upon the 28th day of October 1701," &c. Among these losses, the Registers of the Assemblies 1638, 1639, 1640, 1641, 1642, are particularly mentioned.

† History of Scotland, p. 497. Note b.

able that twenty years afterwards, the fact that those were genuine Registers of the Kirk seems not to have been ascertained. In a letter from Mr Robert Wodrow to Lord Grange, written apparently in 1728, after alluding to the Manuscripts collected by George Ridpath,\* it is added, "He pretended to have our original Acts of Assembly, as I hear Mr Archibald Campbell, Lord Niel's son, pretends his copy is likewise an original record." This uncertainty may help in some degree to account for the tardiness, if not indifference, which the leaders of the Church had hitherto shown in vindicating their just rights, and compelling the restoration of an unquestionable portion of the Public Records of the Kingdom.

At length, however, the authenticity of the Registers in the hands of Mr Campbell appears to have been ascertained, and on the part of the Church a negotiation was set on foot for their recovery, of which some valuable traces are preserved, but which is said to have failed in consequence of the extravagant and preposterous conditions proposed by that eccentric person.† Beside the payment of a sum of money as the price of their own property, which was considered as excessive, it was to be an indispensable preliminary that the books should be printed under his own superintendence, to the absolute exclusion of any revisal by any member of the Established Church. The rejection of such conditions can excite no surprise; but it may well be wondered at, that there the matter should have been suffered to rest, and that no legal measures for compelling the restitution of the property should have been adopted. To these

\* WODROW CORRESPONDENCE, III. 285.—The manuscript in Ridpath's possession would appear to have been a copy of "The Book of the Universal Kirk." It was acquired by Dr James Fraser, another curious collector, and presented by him to the Library of the Divinity Hall in the University of Edinburgh. Unfortunately it has been lost for many years; but a transcript of it was made for the use of the Church in 1730.

† The documents alluded to are in the archives of the Church, and have been printed in the Appendix, No. VII. p. XXXIX.

no effectual bar had been created by the subsequent transfer of the books to the Library of Sion College, London, by a deed of gift dated in the year 1737; but whether from a certain sluggishness of movement incident to such bodies, or from some ill-advised distrust of their own rights, the Church does not appear to have made any effort, or bestowed any serious thought on the subject, till nearly a century after, when the Reverend Dr Lee, now the Principal of the University of Edinburgh, began to rouse the attention of his brethren to the assertion of their long neglected claims. The strict justice of these he was most eminently qualified to illustrate and enforce; and for his zealous and laborious services in the cause, he well entitled himself to the thanks of successive Assemblies of the Church. It can never cease to be matter of deep regret, that his exertions had not secured a timely and more strenuous support; and that regret is embittered by the consideration that the first practical step, and the expected prelude, to a full vindication of the Church's right to these Records, was doomed to become the immediate cause of their loss.

In the year 1834, in pursuance of an Order of a Select Committee of the House of Commons on Church Patronage, Dr Lee, Dr Welsh, and Principal Macfarlan, accompanied by Mr James Chalmers,\* obtained access to the Library of Sion College, and (App. p. xxxiii.) reported that "they had inspected three books in manuscript, "bearing to be records of the Proceedings of the General "Assembly of the Church of Scotland from 1560 to 1616:"—"and that in their opinion these Records were the genuine and "authentic Register of the Proceedings of the General Assembly "of the Church of Scotland for the above period." Under another Order of the Committee, these volumes were reluctantly dragged from their place of deposit, and produced by one of

\* At a previous examination of the MSS. in Sion College, Mr John Richardson, and Mr David Laing, Secretary of the Bannatyne Club, formed part of the Deputation.

the officers of the College ; who was informed “ that the Committee “ wished the books to lie upon the Table for their inspection, and “ that the Committee would send to him when they wished them to “ be returned.”\* The consequence of this resolution seems to be but too well ascertained. By a sad oversight the books were suffered, at the close of the Session, to remain in the Committee Room, and that part of the buildings was burnt down on the 16th day of October ensuing.

(App. p. XXXVII.)

The books thus destroyed were three in number. The first, embracing the Proceedings of General Assemblies from December 20. 1560 to March 1589, was unquestionably the same “greatest book” produced by Wariston in the Assembly 1638 ; as, independently of certain coincidences observed by Dr Lee, it contained an attestation in the hand-writing, and with the well known signature of Wariston, as Clerk of the Assembly, that it had been received and acknowledged as an authentic register. The two other volumes, containing the Proceedings of General Assemblies from 1590 to 1616, were in all probability the same that were presented to the Assembly in 1638, by Sandilands, the son of the last Clerk of the Church within the period to which they relate.

(App. p. XXXVIII.)

The great importance of the Proceedings of the Reformed Church of Scotland to the illustration of the constitutional and general history of the kingdom, had not escaped the early attention of the Bannatyne Club ; and in the absence of other means of giving publicity to the genuine records of the Church, the project was gravely entertained of undertaking that national work. The fatal catastrophe of 1834 terminated that more ambitious scheme ; and there only remained the plan here adopted of retrieving, from such secondary

\* See Report of Select Committee on Church Patronage, pp. 355, 374, 451, App. p. 155.

sources as yet exist, the broken and disjointed fragments of the original Registers. Imperfect though they certainly are, two of these sources are here deserving of particular notice.

1. From an early period it became an object of importance to select from the general registers of the Acts and Proceedings of the Church, such parts as were calculated to illustrate and explain the principles of its constitution, and to regulate its ordinary administration. As early as 1574, a Committee of Members was appointed "to take travell in visiting and perusing of the Acts of the Assembly; to mark and note sick as are general, that thereafter they may be drawn and extracted out of the Books, that all pretext of ignorance may be tane away." Again in 1582, the Assembly "ordaines Mr [John] Craig to lay an order for collecting the Acts of the Kirk betuixt and the nixt Assemblie." In 1583, "Anent the travels taken be Mr Craige in collecting and disposing the Acts of the Assemblie," certain brethren are ordained "to consider and oversee the samine, and to retorne their opinion back to the Assemblie:" and in the same Assembly, "anent the labours taken be Mr John Craige in collecting of the Acts of the Assemblie, seing the great travels tane be him for the weale of the same, not without the singular fruit and profite of the whole brethren, to the effect the same may be absolved and brought to perfection, it is thought good that" the Commissioners "travel in perusing the whole work," and assist in the full completing thereof,—"that the judgment of the next General Assemblie may be had thereupon." And in the following Assembly, held in the same year, the Commissioners report that they "had considered the travels of Mr Craig in the Acts of the Kirk, and that in his labours God was to be praised: yet some things they had noted, wherewith they desired he sould conferr, and thereafter proceed with him in farther reasoning."

Of the praiseworthy labours of Mr John Craig, nothing more appears till the year 1593, when the following entry occurs : “ Anent (P. 815.)  
 “ the Actis of the Kirk : That everie Presbyterie may be the better  
 “ instructit therin, the Kirk hes ordinit Mr James Carmichaell, quha  
 “ has alreddie tane sum paneis in correcting therof, to perfyte the  
 “ work, and to present the same to the next General Assemblie of  
 “ the Kirk.” And again, in the Assembly of 1595, “ Anent the (P. 856.)  
 “ Actis of the Assemblie : The brether has ordainit that the samein  
 “ be sichtit, and speciall Acts for practise of the Kirk be extractit  
 “ and jointit with the Booke of Discipline, to be publischt either  
 “ in wryte or print, that none pretend ignorance therof, and to this  
 “ effect to concurre with the Clerk, Mrs Robert Pont, Thomas  
 “ Buchannan, James Melvill, Johnstoun, and James Carmichael.” \*  
 Here we find no distinct allusion to the previous labours of Mr John Craig ; but having evidently had the same object, it may be presumed that those of Mr James Carmichael and his coadjutors consisted of a revisal, perhaps enlargement, and continuation of the former. †

That these careful compilations should have been afterwards entirely lost sight of, is highly improbable ; and as there still exist various copies of such an abridgment, to which has been usually given the title of “ the Book of the Universal Kirk of Scotland,” it seems no very hazardous conjecture, that these may be transcripts of the work of Carmichael, continued to the termination of

\* Some curious notices relative to the progress of Mr Carmichael’s labours occur in the Register of the Provincial Synod of Lothian and Tweeddale, and will be found in the Appendix, p. xxx.

† This Manuscript appears to have belonged to William Earl of Crawford-Lindsay, who flourished in the reigns of Charles I. and II., and was distinguished for his attachment to the Presbyterian Church : it has his autograph signature in different parts of the volume.



Presbyterian government in 1606. The copy preserved in the Advocates Library appears to be a manuscript of the early part of the seventeenth century, and contains proceedings of Assemblies down to the year 1616, including most of those that were condemned as unlawful by the General Assembly of 1638. It has been adopted as the main ground-work of the present collection, and has been found on collation to admit of little correction or improvement from any other copy. When the larger volume from which it must have been compiled, was examined by Dr Lee (App. p. xxiv.) in 1834, he found, on a random calculation, that it contained more than thrice the quantity of matter preserved in "the Book of the Kirk;" but of what that larger quantity chiefly consisted, he had not an opportunity of ascertaining, further than that the Record "contained a great mass of information in a more complete " and certainly in a more correct form than any thing that has been " exhibited in any of the publications which he had ever seen."

2. In aid of the "Book of the Kirk," and for the enlargement of its contents, the Ecclesiastical History of David Calderwood has proved of most important use. It would be here out of place to enter into any detailed account of that valuable work. It was undertaken, if not originally under the express authority, yet with the entire approbation of the Church; and as the Records, recovered in 1638, were completely accessible to the author, it is evident that he had made a diligent use of his opportunities, and had not confined his researches to any of the abridgments which were then extant. His quotations from the Registers of the Assembly are very copious, and in the present work have been interwoven with the contents of the Book of the Kirk, but never without indicating the source from which they have been derived, by including them within brackets, with the initial letter of the author's name. The great value of Calderwood's work has been long known,

and its complete publication from the original manuscript, now in the British Museum, has been one of the meritorious labours of the Wodrow Society. The extracts introduced into the present collection have been taken from a transcript of the original, made for the use, and under the inspection of Mr Robert Wodrow, now in the possession of the Church of Scotland.

It has been the object and anxious wish of those to whom the conduct of this work was entrusted, to preserve every fragment of genuine record that could be discovered. For that purpose the historical works of Knox, of Melville, of Spottiswood, of Petrie, of Row, and others, have been carefully examined, and various corrections and additions have been obtained, which, like those from Calderwood, have been invariably indicated by the initial letters of their respective names. In further illustration of the proceedings of the Church, several public documents, taken from the Registers of the Secret Council and other authentic sources, have been introduced at their proper places in the order of time, and will be found to add to the historical interest of these volumes.

In the selection and transcription of nearly the whole of its materials, and in the various researches essential to the successful completion of the work, the Club has to acknowledge its deep obligations to the Reverend William Beattie Smith, A.M., Chaplain to the Garrison of Edinburgh Castle, whose zealous and long sustained exertions could have been prompted only by a deep feeling of interest in the object to which they were directed. That, after all, some things may have escaped his researches, is far from impossible; that some few notices have been introduced which were not strictly within the proper scope of the work, will not escape the observation of a critical reader; but on the whole, it is scarcely to be hoped that a more extensive view of the actual proceedings of

the Presbyterian Church, during the period which it embraces, can now be attained.

It only remains to be stated, that the proper contents of what has been usually entitled the Book of the Universal Kirk of Scotland, may be said to terminate with the General Assembly appointed to be held at Aberdeen in the year 1604; and that the Assemblies which follow, from 1606 to 1618, whose proceedings have been here retained as necessary to complete the historical series, were, on the (App. p. XLIX.) restoration of Presbytery in 1638, “condemned, and declared every  
 “one of them to have been from the beginning, unfree, unlawful,  
 “and null,” for reasons which are recorded at length in the Acts of that Assembly.

EDINBURGH, *March* 1845.

## APPENDIX.

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### I.

#### PROCEEDINGS OF THE GENERAL ASSEMBLY HOLDEN AT GLASGOW, IN THE YEAR 1638, RELATIVE TO THE REGISTERS OF THE CHURCH.

Sessio 3<sup>th</sup>. November 26. 1638.

. . . . .

THEN the voices of the hail Assemblie wer craved anent the electioun of a Clerk, and Mr Archibald Johnstoun was chosin be the universall consent of all except one, and wes admittit Clerk vnto the Assemblie ad vitam, and vnto all the richtes, fies, and priuiledges pertaining to ane Clerk off before, to be extendit at large; who, efter the acknowledgement of the weichtines of the charge, and his insufficiencie for it, imbraced it, as haueing a calling from God and the honourable Assemblie. The Moderator desyred to be informed, if anie more wes requisite for his admissioun, bot a solemne oath of his fidelitie and diligence. Mr Johne Row ansuered, Nothing farder, but that he sould bring forth, keip and preserve the Registers of the Church, at leist so manie as sall come in his handis, seing pitiful experience could shew how these Registers had been marred in former tymes. Then Mr Archibald gave an solemne oath of his fidelitie and diligence and conscious keeping and use making of all Registers; and documents was taken of his acceptance and admission. The Moderator said, that the books and acts of all former Assemblies should be produced and putt in Master Archibald's hands. Mr Thomas Sandilands ansuered, that he had receaved no Registers from his father, but onlie two bookes containing some Acts from the year 1590, till the Assemblie at Aberdeen holden *anno* 1616, which therein is onlie begunne, with the minuts of the acts of the said Assemblie of Aberdene in a paper apairt, with the

minutes of Sanct Androis following 1617, with the acts of the Assemblie at Perth subscribed be Mr James Sandilands, and delivered the samen to the Assemblie: and being posed for the rest of the Registers, answered, in his fathers name, that hee had gotten these two from the bischop of Sanct Androis, and had never receaved any more neither from him nor from the Assemblie nor from any other. The Moderator craved, that all the Registers might be had and brought forth from the hand of any clerk or haver of them, affirming that these bookes had in them matters of greater weight then all other evidents of Land &c. for they were the Kirk of Scotlands Magna Carta, containing all her priviledges and liberties since the Reformation. Hee wished also, that this Assemblie should not be deprieved of so powerfull a meane of informatione, for proceeding in matters to be handled there. The former clerks sone affirmed, that he had destroyed nane of these books. The Moderator urged the production of these books, and desired the Commissioner to take course for it. The Commissioner answered, that hee was willing to use any good meane that could be used for the productione of these bookes, if any could shew in whose hands they were; for (said he) I desire not that any Register should be absent, but above all the Kirk Registers. My Lord Rothes said that, by a warrant from King James, the Bookes were taken from Mr Thomas Nicolsone and the last clerk, and putt in the hands of the pretended Bischop of Sanct Androis, and soe of neid-force a course must be taken for getting of these bookes from the Bischop. Mr Archibald Johnstone said that, in Gods providence, als many books were come in his hands as could be able to make up a perfite Register of the whole affaires of the kirk from the Reformatione untill this day; which bookes he produced on the table and declared by whom and what meanes they were come into his hands; to witt, Mr Robert Winrahame, depute Clerk under Mr Thomas Nicolsone, and from him to Alexander Blair, of which bookes there are five volumes in folio; but Mr Patrick Adamsone, Bischope of Sanct Androis, rent one of them, and there are yet four to the foir of them written be Mr James Ritchie and Mr Thomas Nicolsone, whereof the first two containes the Acts of Assemblie from the year 1560 to 1572, subscribed be Johnne Gray, Clerk to the Assemblie: The third volume fra 1586 till 1590, written and subscribed in the margine be Mr James Ritchie, Clerk to the said Assemblie: The fifth booke, being ane great volume of the Acts of the Assemblie fra the year 1560 till 1590, (whereof he had but an len from an minister:) Whereof the first four volumes, the said Mr Archibald declaired that he had receaved them from Alexander Blair, Wreater, who was servand, and succeeded in the place of Modifications of Stipends to Mr Robert Winrahame, who had a deputation from Mr Thomas Nicolsone, Clerk to the Generall Assemblie.

The Moderator said, These are good and comfortable newis unto the Church of Scotland, that a perfect Register of the Acts of the Assemblies are yet to the foir; and that it was needful that course be taken for tryell of these bookes, whether they be these same bookes written be the clerks or be their deputies, or copies onlie of these bookes. It was answered be the clerk, that they are the same, written and sub-

scribed by the clerks owne hand ; and the leaves riven out of ane of them by the Bishop, from the 22d to the 27th leaffe, may yet be knowen by the merkit number of the leaffis. The first Clerk wes Mr Johne Gray, who subscribed everie Assemblie with his hand. The next is also subscriv'd, and an memorandum on the first leaff of it, where Mr Archibald Hunter passed to the Chancellor Maiteland and receaved that volume and this uther, and the half of that which was rent by Bischope Adamsone ;

. . . . . The third booke, the first act of it is the election of Mr James Ritchie, Clerk, which booke is all of one hand writt. The one booke is from the 60 to the 70 year. The next from the 79, wherein the Bischope of Sanct Androis is censured and excommunicat. And now in Gods providence there is in the present clerks hands, a perfite Register from the 70 year to this last Assemblie, for which all of us have reason to praise God. The commissioner said, See that wee build on an sure foundation, and try well that these bookes be authentick. The Moderator craved, that some judicious men, and skilled in dig- noscing handwritts, might be nominat for tryell of these bookes ; and intreated the Earles of Lauderdale, Southesk, and Argyle, to take inspection of the bookes. Ar- gyle objected his youth and unskillfulness for so weightie a charge, yet at com- mand of the Commissioner he declaired his willingness to assist the worke. The Com- missioner said, that if his owne paines could contribute any thing to the furtherance of the worke, he would be ready to sitt upp day and night, but would not lay that burthen on his Assessours ; for, said he, seing it is refused that they should be members of the Assemblie, hee saw not how they could be appointed for trying of these Registers. The Moderator answered, Wee are hopeful that their Lordships will not refuse to further the good of this Assemblie, seing it is said here it is not for want of due respect wee owe to their Lordships, but onlie for preservation of the Kirks liberties as said is. The Commissioner said, I cannot see how these that are not granted to be members of this Assemblie, can cognosce bookes containing matters of so great weight. The Moderator answered, that they can best judge. The Com- missioner said, but I cannot consent unto it : Therefore the Moderator said, let the skilliest of the clerks of Sessione, counsell and burrow clerks, such as the Laird of Durie, the clerk of Dundie, Mr Alexander Pierson, Advocate, be conjoined as their assessours, to help them of the ministerie, Mr James Bonar, Mr John Row, Mr Andro Ramsay, Mr Wm. Livingstown, Mr John Adamson, Mr Robert Murray.

Mr John Row answared, that he had yet in his hands the Booke of the Kirk Policie, subscriv'd be Mr James Ritchie, clerk, which will serve to dignosce the hand writt. Mr Archibald Johnstone said, hee had the principall Book of Policie, written in Lam- bard paper, in his hand, which also would conduce to that end ; this being judged to be the fittest way for tryall of the Registers of the Kirk, and makeing them to be authentick.

Sessio 5. November 26. 1638.

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The Moderator then said, It is now expedient that the sufficiencie of the Kirk Registers be cleared, that they may be declaired authentick. The Commissioner answered, it is a good work ; but I have some scruples not yet removed. Then said the Moderator, let some be appointed for tryell of the Registers ; for the Assemblie being now fullie constitut, after the examination of all controverted commissions, may give them commission for tryell of the Registers, and let their testimonie anent the perfection of the bookes be given in the morne. The Names of the Committee, Mr Andro Ramsay, Mr John Adamsone, Mr John Row, Mr James Bonar, Mr Robert Murray, Mr Alexander Gibsone younger of Durie, Mr Alex<sup>r</sup> Wedderburne clerk of Dundie, Mr Alex<sup>r</sup> Pierson Advocat, with such others as they please to joyne with themselves,

Sess. 6. November 27. 1638.

The Moderator said, Let us beginne where we left at the tryell of the Records of Assemblies. There was a Committie appointed yesternight to give in their testimonie anent the authenticknes of the Registers. If it please your Grace, let their answere be heard. The Commissioner having assented, the Moderator called upone these who were appointed for the examination of the Registers to reporte their testimonie. Durie said, Please your Grace and this reverend Assemblie, wee shall either give in our reasones be word or in writt. The Commissioner said, I desire to heare you give them in any way you please. Then the reasones of the authenticknes of the Registers were given in in writt and read by the clerk.

The Moderator said, please your Grace, heir is the testimonie of these that have skill in trying the Registers better nor any here present ; hes your Grace gotten satisfaction. The Commissioner answered, verilie it is a matter of very great importance, and there shall be no man more glad nor I to see the Registers of the Kirk fund reall and proven to be authentick. I am far from contradicting any thing that these worthie gentlemen hath done, for it were impertinent soe to doe. I can say nothing at the first hearing of a paper read, but it may be that many scruples come in my mynd concerning them, yea I have already whereof I am not resolved. This is the first time that ever I heard it read, and therefore I cannot give my judgment of it. I must confesse my ignorance in thir things, and therefore I must be verie loath to give my assent or approbation to any thing wherein I am not both cleare and persuaded. The Moderator said, hes your Grace any scruples to propone for the present. The Commissioner

said, I must think upon it before I propone them. The Moderator said, I would desire this reverend Assemblie, that if there be any here, noblemen, gentlemen, or ministers, that if they have any thing to say against this information concerning the authoritie of the Registers, that they would propone them either now by word, or in a short time by writt, that this Assemblie may make a declaration that they ar authentick, and if no objection be made against them, wee will take your silence for an approbatioun of their authoritie: if you have anything to say, bring it foorth presentlie, if not, produce it in writt against the morne. The Commissioner said, I am verie confident that that is not the Regents hand writt. Durie answered, if it was not his hand writt it would have *sic subscribitur* as all other copies use to have. I will not affirme that everie reasone given in for proving the authoritie of the books is unquestionablie good; but que non prosunt singula, multa juvant. I daire say this farre: all the Registers of Sessione, counsell, and prime judicatories of this Kingdome are als farre short of the Registers of the Kirk, as these Registers are short of these things treated here. The Commissioner said, truelie, Sir, I cannot but acknowledge that these reasones hath cleared verie much, and verilie they have removed many scruples that I myself had before the hearing of them, soe that I will not contradict them; but I still doubt if that subscription be the Regents hand. Moderator said, If there be any brother that hes any coppie of James Ritchie, or John Gray, Clerks to the Assembly, their hand writt, lett them produce them to give further informatioun, or confirme this informatioun, for possiblie some minister or other hes some record that may give testimony and approbation to this hand writt. Then M<sup>r</sup> Johne Row produced an coppie of severall acts, and of the Booke of Policie, written by the said M<sup>r</sup> James Ritchie, and subscribed with his hand, and other brethren of the presbitrie, which hee had kepted him selff now fiftie-two years; and the hand writt of the Assemblie Booke, and the coppies being compared and seene by the Commissioner himselfe, they were acknowledged to be ane hand writt. The Moderator said, if any man have anything to oppose against any of these bookes, let him now bring it foorth, that an act may be made; for if no man produce anything, they will be acknowledged by this Assemblie to be authentick hereafter.

Sess. 7. November 28. 1638.

The Moderator said, wee left at the testimonie which was given by skilled men, who were appointed for trying of the Kirk Registers, and their testimonie was read in your hearing, and wee requieisted all to bring in this day their obiections and scruples concerning these Registers; now wee crave that [any] one who pleases would object: for if no man object, ane act or record will be insert in the Bookes of the Assemblie, declaring that these books are authentick. The Commissioner said, no man here shall have greater joy nor I to see the Registers of the Kirk perfyte; and no man sall contribute more to it than I, being a matter of so great importance and weight; for upon the Acts sett down in these Books very much depends. But because yee have heard



many objections made be the Lords of Clergie and their adherents against the legalitie of the proceedings of this Assemblie, I am tyed yet to say somewhat; and I am sorry that I must protest against that in word, which my heart desires not. Sore greaved I have reason to be to protest against soe good a work as is the restoring of the Kirk to her Records; yet considering my many causes, which now I will not expresse, I am forcit to protest against it. For albeit these Books may be found authentick by the consent of this Assemblie, yet may I do nothing which may import either his Majesties assent to it or myne; and therefore here I make protestation against it. The Moderator said, wee onlie crave the Assemblies approbation; and if the pretendit Bischops, or any other, will take upon them to improve these Bookes, or any part of them, they salbe heard. It is pittifull that there sould be such a fearfull rent in our Church, and that any pointe of the cause of it sould be impute to auctoritie, if wee consider what a sweet unitie was once in this Kirk;—to cleare this unitie, I will read a testimonie out of the Preface of the Booke, called the Harmonie of the Confessioun of the Reformed Kirkes. After the reading of it in Latine, he expounded it, shewing the rare priviledges of the Kirk of Scotland beyond other Kirkes; that for the space of 54 years, it remained in puritie of doctrine and discipline without any error or schisme; and gave a reason of it, because the Kirk of Scotland was reformed in doctrine and discipline according to the word of God: so it is cleare this Kirke once had unitie; and it is cleare also by what meanes and instruments schisme hes come in. The Commissioner said, I pray God this Kirk may enjoy that puritie 40,000 years more, if the world shuld indure so lang; yet I must protest in more pathetick wordes against the auctoritie of these bookes, (for I did it in modestie before.) Albeit, I would give my estate, and venture my life, in furthering the Church to be restoiored to her Registers; but because of the manifold exceptionuns I gave against the way of the meeting of this Assemblie, and against sundrie persones which are members of it, I protest heir, that neither the Kings Majestie nor the bishops be wronged be any act in these books; and that they are not oblist be the acts of any book, which is not subscriyved be the clerk of Assemblie. My Lord Rothes said, your Grace promised to propone some scruples against these bookes, wherein your Grace was not yet satisfied, which wee desire to heare; for they are found of all who have tryed them, comparatively authentick, and otherwayes also. The Moderator said, wee are sure if his Grace had perused these bookes, hee would approve them also. The roll being called be the clerk, the Moderator asked if the Bretherene did approve the Registers, who answered, that they did; and desires that the reasones of the approbatione might also be insert in the Bookes of Assemblie; and that there was not any protestatione made by his Majesties Commissioner. They desired also that the Bishop of Sanct Androis might be summonned for the productionn of these bookes which are wanting.

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## ACT APPROVING THE REGISTERS.

Anent the report of the Assemblies judgement of the authority of the books of Assembly; The Moderatour having desired that if any of the Assembly had any thing to say, they would now declare it, otherwise they would hold all approven by the Assembly.

The Commissioner his Grace protested that the Assemblies approving these books, or any thing contained in them be no wayes prejudiciall to his Majestie, nor to the Archbishops and Bishops of this Kingdome, or any of their adherents; because he had some exceptions against these books. My Lord Rothes desired these exceptions to be condescended on, and they should be presently cleared, and protested that these books should be esteemed authentick and obligatorie hereafter.

The whole Assembly all in one voice approved these books, and ordained the same to make faith in judgement, and out-with, in all time comming, as the true and authentick Registers of the Kirk of Scotland, conforme to the testimonie subscribed by the Committie, to be insert with the reasons thereof in the books of Assembly: Whereof the tenour followeth.

WE under-subscribers, having power and commission from the Generall Assembly now presently convened, and sitting at Glasgow, to peruse, examine, and cognosce upon the validity, faith, and strength of the books and registers of the Assembly under-written, to wit: A register beginning at the Assembly holden the twentie day of December 1560, and ending at the fourth session of the Assembly holden the 28. of December 1566.

Item another register beginning at the Generall Assembly, holden the second day of Iune 1567, and ending at the fourth session of the Assembly holden at Perth the ninth day of August 1572, which register is imperfect, and mutilate in the end, and containeth no leaf nor page, after that page which containeth the said inscription of the said fourth session, which two registers bears to be subscribed by Iohn Gray, scribe.

Item a register of the Assembly holden at Edinburgh the seventh day of August 1574, and ending with the twelfth session, being the last session of the Assembly 1579.

Item another register beginning at the Assembly holden at Edinburgh the tenth of May 1586, and ending in the seventeenth session of the Assembly holden in March 1589.

Item another register being the fifth book, and greatest volume, beginning at the Assembly holden in Anno 1560, and ending in the year 1590.

Having carefully viewed, perused, and considered the saids registers, and every one of them, and being deeply and maturely advised, as in a matter of greatest weight and consequence, do attest before God, and upon our conscience declare to the world and

this present Assembly, that the saids foure registers above expressed, and every one of them, are famous, authentick and good registers : which ought to be so reputed, and have publick faith in judgement and out-with, as valid and true records in all things ; and that the said fifth and greatest book, beginning at the Assembly 1560, and ending 1590, being margined by the hand-writs of the Clerk, and reviser of the registers, cognosced, and tryed, and agreeable to the other foure registers, in what is extant in them, ought also to be free of all prejudice and suspicion, and received with credit. And in testimony of our solemne affirmation, we have subscribed these presents with our hands.

Sic subscribitur.

Master Andrew Ramsay.  
 Master Iohn Adamson.  
 Master Iohn Row.  
 Master Robert Murray.  
 Master Alexander Gibson.  
 Master Iames Boner.  
 Master Alexander Peerson.  
 Master Alexander Wedderburn.

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REASONS PROOVING THE FIVE BOOKS AND REGISTERS PRODUCED BEFORE THE  
 ASSEMBLY TO BE AUTHENTICK.

The books now exhibited unto us under-subscribers, which we have revised and perused by commission from the Generall Assembly, are true registers of the Kirk : to wit, Five volumes, whereof the first two contain the acts of the Assembly, from the year of God 1560, to the year 1572, all subscribed by John Gray, Clerk. The third from the year of God 1574, to the year 1579. The fourth from the year of God 1586, to the year 1589. At which time Master James Richie was Clerk, who hath frequently written upon the margine of the saids two last books, and subscribed the said margine with his hand-writing. And the fifth book being the greatest volume, containing the acts of the Generall Assembly, from the year of God 1560, to the year 1590, which agreeth with the foresaids other foure books and registers, in so far as is extant in them, and further recordeth what is wanting by them, passing by what is mutilate in them, and which with the two volumes produced by Master Thomas Sandilands from the year 1590, to this present, maketh up a perfect register.

I. For the first two volumes subscribed by John Gray, albeit it be not necessar in such antiquitie to proove that he was Clerk, seeing he designs himself so by his subscription, yet the same is made manifest by an act mentioned in the third book, in the time

of Master James Richie, who succeeded him in the said office, and his hand-writ was acknowledged by sundry old men in the ministry.

II. The uniformitie of his subscriptions through both volumes, evident by ocular inspection above the ordinarie custome of most famous Notars, delivers the same from all suspicion, in facto tam antiquo.

III. There be many coppies, specially of generall acts, yet extant, which do not debord from the saids registers, but are altogether agreeable thereto.

IIII. It is constant by the universall custom of this Kingdome, that all registers are transmitted from one keeper to his successour, and so comming by progresse and succession from the first incumbent to the last possessour, are never doubted to be the registers of that judicatorie, whereof the last haver was Clerk; and therefore it is evident, that these books comming successively from John Gray, Master James Richie, and Master Thomas Nicolson, who were all Clerks to the Assembly, into the hands of Master Robert Winrame, who was constitute Clerk depute by the said Master Thomas Nicolson (as his deputation here present to show, will testifie) are the undoubted registers of the Assembly: like as Alexander Blair succeeded the said Master Robert in his place of Clerkship to the assignations and modifications of Ministers stipends; and during Master Robert his life-time, was his actuall servant, and so had the said books by progresse from him, which the said Alexander is readie presently to testifie.

V. The two registers of Master James Richie, albeit not under his own hand, yet are frequently margined with his own hand-writ, and the same marginall additions subscribed by him, which hand-writ is seen and cognosced by famous men, who knoweth the same, and is evident, being compared with his severall writings and subscriptions yet extant.

VI. The saids registers are more perfect, lesse vitiated, scored, and interlined, than any other authentick and famous registers of the most prime judicatories within this Kingdome.

VII. Master Thomas Sandilands, in name of his father, who was late Clerk by dimission of Master Thomas Nicolson, hath produced a volume, which proveth the saids two registers of Master James Richie to be sufficient records; because that same volume is begun by that same hand, whereby the said Master James Richie his registers are written, and is subscribed once in the margine by Master James Richie his hand, and is followed forth, and continued in the same book by Master Thomas Nicolson, who succeeded him in the place, and was known by most men here present to be of such approven worth and credit, that he would never have accomplished a register which had not been famous and true: and whereof the hand-write had not then been known to him sufficiently.

VIII. That Register produced by Mr Thomas Sandilands, and prosecuted by Master Thomas Nicolson, proves the first part of that register to be true and famous, and that first part being by ocular inspection of the same hand-writ, with Master James

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Richies registers, and subscribed in the margine with the same hand-writ, proveth Richies two books to be good records, and Richies registers doth approve Grays books by the act of Assembly before written: specially considering the same hath come by progresse and succession of Clerks, in the hands of Alexander Blair, now living, and here present.

IX. The compts anent the thirds of benefices between the Regent for the time, and the Assembly, in the second volume, page 147, are subscribed by the Lord Regents own hand, as appeareth: for it is a royall-like subscription, and there is no hand writ in all the book like unto it, and beareth not Sic subscribitur, which undoubtedly it would do, if it were a coppie.

X. Master James Carmichell was commanded by the Generall Assembly 1595, Sess. 9. in the book produced by Master Thomas Sandilands, to extract the generall acts forth of their books; and it is evident that these books are the same which he perused for that effect, because he hath marked therein the generall acts with a crosse, and hath designed the act by some short expression upon the margine, which is cognosced and known to be his hand-writ, by famous and worthy persons: which is also manifest by the said Master James his band and subscription, written with his own hand in the last leafe of the said books; as also acknowledged in the said book, produced by Master Thomas Sandilands, wherein the said Mr James Carmichell granteth the receipt of these, with some other books of the Assemblies.

XI. The registers produced, are the registers of the Assembly, because in Anno 1586, the Assembly complaineth that their registers are mutilate: which hath relation to Richies third book, which is lacerate and mutilate in divers places without any interveening of blank paper, or any mention of hic deest.

XII. If these were not principall registers, the enemies of the puritie of Gods worship, would never have laboured to destroy the same: which notwithstanding they have done; as appeareth by the affixing and battering of a piece of paper upon the margine, anent a condition of the commission not to exceed the established discipline of this Kirk, subscribed by the Clerk, book 3, page 147. And the blotting out the certification of the excommunication against Bishop Adamson, book 4, page 30, who in his Recantation generally acknowledgeth the same: but which, without that recantation, cannot be presupposed to have been done, but by corrupt men of intention to corrupt the books, which were not necessary, if they were not principall registers.

XIII. In the Assembly 1586, the Church complained upon the Chancelour his retention of their registers, and desired they might be delivered to their Clerk, which accordingly was done; as a memorandum before the beginning of the first book, bearing the redeliverie of these foure books to Master James Richie, Clerk, propoerteth; which clearly evinceth that these foure books are the registers of the Assembly.

XIIII. The said fifth book and greatest volume, is also marked on the margine, with the hand-writ of the said Mr. James Carmichell (which is cognosced) who was appointed to peruse the books of the Assembly as said is, and would not have margin-

ed the same by vertue of that command, nor extracted the generall acts out of it, if it were not an approbation thereof, as an authentick and famous book.

XV. The said fifth volume doth agree with the other foure books, in all which is extant in them, and marketh the blanks, which are lacerate and riven out of the same; and compleateth all what is lacking in them.

XVI. In the book of Discipline pertaining to Master James Carmichell, subscribed by himself, and Master James Richie, there are sundry acts and passages quotted out of the said fifth great volume, saying, It is written in such a page of the book of Assembly, which agreeth in subject and quotations with the said fifth book, and cannot agree with any other; so that Master James Carmichell reviser of the Assembly books, by their command, would not alledge that book, nor denominate the same a book of the Assembly, if it were not an authentick famous book.

XVII. Though the corrupt nature of man hath been tempted to falsifie particular evidents, yet it hath never been heard that any whole register hath ever been counterfeited; neither can it be presupposed that any will attempt that high wickedness, seeing the inducements answerable to that crime, can hardly be presupposed.

XVIII. It is certain, and notour to all these who are intrusted with the keeping of the publick records of the kingdome, that the same are never subscribed by the Clerk, but only written and filled up by servants, and most frequently by unknown hands, yet they and the extracts thereof make public faith, and the same are uncontrovertedly authentick registers; and when the most publick registers of the kingdome shall be seen, and compared with these registers of the Assembly, it shall be found that these other registers of the most soveraigne judicatories ever unsubscribed are more incorrect, oftner margined, scored, and interlined, made up by greater diversitie of unknown hand-writs, than these books of the Assembly, which by speciall providence are preserved so intire, that in the judgement of any man acquainted with registers, they will manifestly appear at the very sight to be true, famous, and authentick.

XIX. The fame and credit of ancient registers in this kingdome, is so much revered, that if any extract be different or disconforme from the register, that extract, albeit subscribed by the person who for the time had been of greatest eminence in the trust of registers, will be rectified, conforme to the register, and have no force, so far as it debordeth there-from; although the registers be written with an obscure, unknown hand, and unsubscribed.

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## II.

IN THE GENERAL ASSEMBLY HOLDEN AT EDINBURGH, A.D. 1639.

Sess. 18. 26. August 1639.

ACT APPROVING AN OLD REGISTER OF THE GENERALL ASSEMBLY.

The whole Assembly (upon the report made to them anent the old Register of the Assembly, gotten from Master John Rig) All in one voice approved the said Register, And ordained the same to make faith in judgement, and out-with, in all time coming, as a true and authentick Register of the Kirk of Scotland, conforme to the testimonie subscribed by the Committee, to be insert in the Books of Assembly: whereof the tenor followeth;

WE under-subscribers, Forsameikle as the late Generall Assembly holden at Glasgow, gave power and Commission to us, To peruse, examine, and cognosce upon the validity, faith, and strength of the books and Registers of the Assembly, particularly set down in the Commission given to us thereanent: According whereunto we did carefully view, peruse, and consider the saids Registers, and gave our testimony thereof under our hands, of the validity and sufficiencie of the samine, to the said Generall Assembly. And now having a new Commission given to us from the Generall Assembly now presently convened and sitting at Edinburgh, To peruse, examine, and cognosce upon the validity, faith and strength of another Register of the Assembly, which was not set down and recommended to us by the said former Commission, which Register beginneth at the Assembly holden at Edinburgh the sixth day of March 1572, and endeth at the Assembly likewise holden at Edinburgh 1573; We have carefully viewed, perused, and considered the said Register: And being deeply and maturely advised, as in a matter of greatest weight and consequence, do attest before God, and upon our consciences declare to the world, and this present Assembly, That the said Register above exprest, is a famous, authentick, and good Register, which ought to be so reputed, and have publike faith in judgement and outwith, as a valid and true Record in all things, And finds the same to be of the same hand-writ, and subscribed by the same Clerk of the Generall Assembly, as divers of the said other Registers (formerly perused by us) are. And in testimonie of our solemne affirmation we have subscribed these presents with our hands, at Edinburgh the day of August 1639.

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## III.

EXTRACTS FROM THE PROCEEDINGS OF THE COMMISSION OF THE GENERAL ASSEMBLY  
1651.Perth, 4 Ja<sup>ry</sup>. 1651. Ante meridiem.

## ACT CONCERNING THE SECURING OF THE REGISTERS.

The Commission of Assembly being desyred by my Lord Register in his letter, and by the Clerk, to consider what they thought fitt to doe with the Registers of the Kirk, which for securitie were putt in the Castle of Edinburgh, seing that hold was now surrendered to the Enemie: And they having taken it into consideration, doe appoynt the Clerk with all diligence to bring the Registers over to this syde of the water, that they may be once out from the enemies hands: And thereafter that he, with advyse of the Moderator and the Lord Register, take some course for their securitie and preservation in this tyme of danger; committing it to their special care; and that report be made thereof at the next meeting. (Minutes, p. 160.)

(LETTER FROM SIR ARCHIBALD JOHNSTON, LORD CLERK REGISTER,  
ABOVE REFERRED TO.)

RIGHT REVEREND,

The parlment commands me to taikie their Registars to Stirling Castel, tho I think they would be saifer in Dumbarton Castel, or in the Basse, provyding they be weal garrisoned and victualled. I desyre to know the advyce of the Commission whair to putt the Registers of the Kirk, as may lead most to their preservation and my exoneration: so leaving all vther things to the bearer, I rest, your humble servant,

A. JOHNSTON.

Edinburgh, 30th December [1650.]

To the Right Reverend Mr Robert Douglas, Moderator of the Commission  
of the General Assemblie, at Perth.



Sanct Androis, 24 Ja<sup>r</sup> 1651. Post meridiem.

ACT FOR SECURING THE REGISTERS.

The Commission of the Generall Assembly vnderstanding by the Clerk that the Kirk Registers which were in the Castle of Edinburgh, were now brought to this side of Forth, according to a former order; and that it is the earnest desire of the Lord Register by his letter, and of the Moderator and Clerk, to whom the care of securing them was committed at the last Meeting: That now the Commission would themselves prescrive what they thought fitting to be done for their security and preservation in this tyme of danger: Therefore they doe appoynt them to be putt in the Basse, to be preserved there; and the Laird of Wauchton, to whom that strength belongs, being personallie present, most gladlie offered to receave them, promissing his outmost care to seure and preserve them from all danger. (Minutes, p. 212.)

FALKLAND. 23 Aprile 1651. Post meridiem.

ACT FOR THE KIRK REGISTERS.

The Commission of Assembly having heard by the Clerk, that according to their former order, he had putt the Kirk Registers in the Basse; onlie the great volume, which is a double of sundrie of the old Registers, he had not putt there by the advise of the Lord Register, conceaving it was more fitting, sieing it was a double, and made an authentick Register at Glasgow, that it should rather be putt in some other sure place, than to be keeped in the same place with the remanent books and registers. The Commission of the Assembly being verie glad and well satisfied that the Registers were now, in this time of trouble and danger, in the Basse, doe approve well thereof, and of the advice given by the Lord Register, and the course taken by the Clerk, for keeping that great volume, which is an authentick double of the Acts of diverse Assemblies, from the remanent Registers, to be putt in some other sure place: And do appoynt the Clerk to putt the same in Dunottar, to be keeped there safely: And that the Moderator speak or writt to the Earle Marschall, that his Lordship may be pleased to give order for receaving and securing thereof in that place carefullie. (Minutes, p. 317.)

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## IV.

EXTRACTS FROM THE PROCEEDINGS OF THE SYNOD OF LOTHIAN AND TWEEDDALE,  
1593—1595.

AT THE SYNOD OF LOTHIAN AND TWEEDDALE, HELD AT DALKEITH, 3 APRIL 1593.

Sess. 3<sup>da</sup>. iiij Aprilis 1593.

## TRYELL OF THE PRESBYTERIE OF HADINGTONE.

Item being accusit that sum of thair brether, and in speciall, Mr James Carmichel, had nocht made the exerceis sen the last Assemblie, answerit: That Mr James was continewellie burthenit with the common cause of the kirk, quhairunto be the kirk he was employit. The Assemblie, (i. e. The Synod) finding his imployment in the common turnis to haif drawin him away from the discharge of his awin calling, dischargis the said Mr James of the samin, and ordains that he awaitt vpon the cure of the kirk of Hadingtone.

Ordanis Mr James Carmichel to collect the Acts of the Generall Assemblie, that euerie brother may haif the copie of thame.

AT THE SYNOD, &amp;c. AT EDINBURGH, 2D OCTOBER 1593.

Sess. 3<sup>da</sup>. 3 Octobris.

Anent the ordnance maid in the former Assemblie, ordaining Mr James Carmichell, according to his promeis, to collect the Acts of the Generall Assemblie, that euerie brother may hawe the copie of thame: And the brether of that Presbyterie [of Hadingtone] reporting that thai vnderstand Mr James to be diligent in that wark, it is ordanit that thai trawell with the said Mr James to perfyte the wark.

AT THE SYNOD, &amp;c. AT DUNBAR, 3D APRILIS 1594.

Sess. 3<sup>da</sup>. 3 Aprilis.

Anent the ordnance maid in the last Assemblie, ordaining the brether of the Presbyterie of Hadingtone to trawell with Mr James Carmichell, for collecting the Acts of the Generall Assemblie: According heirunto the said brether declaring that thai had trawellit with the said Mr James, quha had the said Acts in reddines: It is ordanit that he present thame to the Presbyterie of Edinburgh.

## AT THE SYNOD, &amp;c. AT EDINBURGH, OCTOBER 1594.

Sessio 3<sup>ta</sup> 2 Octobris.

Anent the ordnance maid in the former Assemblie, ordaining thair brother Mr James Carmichael according to his promeis to have the extract of the Acts of the General Assemblie and to present thame to the Presbytrie of Edinburgh. According herevnto the said Mr James declairing that the said Acts wer in reddines gif he had the help and assistance of a wryter to help him in the wark. The Assemblie appointis the brether Thomas Greg and Daniel Wallace to assist and help the said Mr James in vryting and thairefter that the said Mr James present the said Acts to the Presbytrie of Edinburgh betuix and Februar nixt.

## AT THE SYNOD, &amp;c. AT MUSSILBURGH, APRIL 1595.

Sessio 3<sup>a</sup> 2 Aprilis.

Anent the ordnance maid in the former Assemblie ordaining Mr James Carmichell to perfyte the wark begun be him concerning the extracting of the Acts of the Generall Assemblie. According heirvnto the said Mr James declaring that he had perfyttit twa warks, the thrid remanit, quhilk he productit before the Assemblie. Quhilk being sichtit, It is ordainit that he do quhat lysis in him to perfyte the hail wark betwix and the nixt Generall Assemblie, and for this purpos the brether appointit in the former Assemblie to assist him in vryting.

## AT THE SYNOD, &amp;c. AT EDINBURGH, OCTOBER 1595.

Sessio 4<sup>a</sup> (9 October.)

Anent the ordinance maid in diuers assemblies of before ordaning thair brother Mr James Carmichell to perfyte the wark begun be him concerning the extracting of the acts of the Generall Assemblies. According heirvnto the said Mr James being inquiryritt quhat he had done in the said wark, declairit that as yet he had not perfyttit the same, the Assemblie desyritt that he wald do quhat lay in him to perfyte the same ; and hes appoyntit thair brether Thomas Greg and Daniel Wallace to help him in vryting.

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## V.

EXTRACTS FROM THE PROCEEDINGS OF THE SELECT COMMITTEE OF THE HOUSE OF  
COMMONS ON CHURCH PATRONAGE, 1834.Mercurii, 23<sup>o</sup> die Aprilis, 1834.

*Resolved*,—That Mr. A. Johnston, the Reverend Dr. Lee, the Reverend Dr. Welsh, Mr. James Chalmers, of London, and the Reverend Principal Macfarlane, be requested to proceed to Sion College, London Wall, for the purpose of inspecting the books presented to the trustees of that College by the late Mr Campbell, and to report to this Committee if in any or in what degree, these books afford information connected with the inquiry on Church Patronage in Scotland.

(signed) Geo. Sinclair, Chairman.

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 Veneris, 25<sup>o</sup> die Aprilis, 1834.
 

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The Rev. John Lee, D.D., again called in; and examined.

. . . . .

Since I had formerly an opportunity of giving evidence before the Committee, I have had access to the Records of the Church of Scotland in Sion College, London, and I am fully satisfied that those volumes (which I am quite certain are authentic records) contain a great mass of information in a more complete and certainly in a more correct form than anything that has been exhibited in any of the publications upon the subject which I have ever seen. In particular, I may state that there are some of the proceedings of the Assembly, or rather Convention, of 1562, which have for at least 100 years been a matter of dispute; one entry has been quoted by several authors with relation to the Bishop of Galloway, Mr. Alexander Gordon, who, it is said by Calderwood, was refused admission to the office of superintendent because he had not observed the order of calling superintendents, and in the meantime was required to subscribe the Book of Discipline. That any such order was communicated to him has been strongly denied by some of the controversial writers upon the subject, and not without reason, because the book, which in Scotland was looked upon as the transcript of an authentic record of the Church, does not contain any such fact.

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At the same time, I may now state with confidence, that this particular is inserted in the Record of the Church, though not by any means in the form in which it has been quoted by different writers. I perceive that there are other entries on the same subject which are much more detailed in those volumes than they are in any of the books in the possession of the Assembly; but from the short time during which I had an opportunity of inspecting the volumes, I cannot be expected now to furnish any particulars of importance. I merely refer to these books as sources from which authentic information may be derived.

At what period does the date of that book commence, and to what period does it extend?—It consists of three volumes; the first begins with the first General Assembly of the Church of Scotland in 1560, and ends in the year 1589; it contains nearly 1,300 pages, each of which is more crowded with matter than a page of this book which I now hold in my hand, and the number of pages in this book, extending to the same period, is about 380. The second volume begins with the year 1590 and ends in March 1596, or according to our present computation, 1597. The third begins with May 1597, and ends in August 1616. These books embrace the whole period between 1560 and 1616. Here is an abstract of the contents of the whole books made before they were deposited in Sion College; it contains a fac-simile of the manner in which the books are attested both at the beginning and end.

Can you produce the Report of the Committee appointed to inspect the books belonging to Sion College?—This is the Report, which I now beg to give in.

*[The Witness delivered in the same, which was read, as follows:]*

London, 24 April 1834.

In obedience to the order of the Committee of the House of Commons on Church Patronage, Scotland, we have this day, within the Library of Sion College, London Wall, inspected three books, in manuscript, bearing to be records of the proceedings of the General Assembly of the Church of Scotland, from 1560 to 13 August 1616. We have also read the deed of agreement, by which said books were gifted by Mr. Archibald Campbell to the trustees of Sion College; and we crave leave humbly to report, 1st, That in our opinion, these Records are the genuine and authentic register of the proceedings of the General Assembly of the Church of Scotland, for the above period; and, 2d, That they contain much information connected with the enquiry on Church Patronage in Scotland.

*And<sup>m</sup> Johnston.      John Lee.  
D. Macfarlan.      Ja. Chalmers.*

Perhaps I may be allowed to state in addition, that the Committee were at pains to compare the earliest and most important volume with a document which I formerly produced before the Committee, containing, along with other matters, the Book of

Discipline, which belonged to Mr. James Carmichael, minister of Haddington. This document is referred to in the Acts of the General Assembly, 1638, in which the reasons for considering that earliest volume an authentic register are inserted; and not only did the book appear to be in the hand-writing which is stated in the Acts of the Assembly to be at least partly found in it, but it likewise contained passages which are there said to be found in particular pages marked by Mr. James Ritchie, the Clerk of the Assembly. The passage is very remarkable, but it would detain the Committee perhaps to mention it, though if any report is to be given upon the subject it might be material. It is stated in the printed Acts of the General Assembly, 1638, that what is called "the 5th book and greatest volume is marked on the margin with the hand-writing of Mr James Carmichael, which is cognosced, who was appointed to peruse the books of the Assembly, and would not have margined the same by virtue of that command, nor extracted the general acts out of it, if it were not in approbation thereof as an authentic and famous book. In the Book of Discipline pertaining to Mr. James Carmichael, subscribed by himself and by Mr. James Ritchie, there are sundry acts and passages quoted out of the said 5th great volume, saying it is written in such a page of the Book of Assembly, which agreeth in subject and quotations with the said fifth book, and cannot agree with any other; so that Mr. James Carmichael, reviser of the Assembly Books by their command, would not allege that book, nor denominate the same a book of the Assembly, if it were not an authentic famous book." Now this little volume to which I have referred contains references to pages 839, 873, and 828, all of which on comparison were found to correspond with that earliest record.

Have you any further particulars to communicate collected from the inspection of the books at Sion College?—No, I think that nothing occurs to me, except that the second and third volumes are subscribed in a hand-writing which is well known to me, that of Thomas Nicolson, who was long Clerk of the Assembly; and on a former occasion I had an opportunity of comparing the hand-writing of that individual with the hand-writing which is upon these two volumes.

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*Veneris, 2<sup>o</sup> die Maii, 1834.*

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The Rev. Robert Watts, junior, called in and Examined.

Have you any communication to make to the Committee with regard to the order that was transmitted for sending the books at Sion College to this Committee?—I was directed to give the Committee this paper for their inspection.

[*The Witness delivered in the same, which was read, as follows :*]

At a Meeting of the Governors of Sion College, holden on Thursday, the First day of May 1834 ;

Present—The Rev. Mr. Burgh, President ;  
Mr. Bellamy,                    }  
Mr. Saunders,                } Deans ;  
Mr. Beresford, Assistant :

The Secretary stated, that he had summoned this court in consequence of the Rev. Robert Watts, junior, Assistant Librarian having received a summons from a Select Committee of the House of Commons on the Patronage of the Church of Scotland, to produce the three volumes of the Book of the Church of Scotland, gifted by the late Mr. Archibald Campbell, and also the deed of gift of the said books.

Upon which the Court took this matter into their consideration ; and the deed of gift being read,

It was resolved,

That this Court are extremely anxious to comply with the order of the Committee of the House of Commons, so far as is consistent with the trust under which they hold the books, and are therefore willing that any inspection of them should take place, and that a transcript should be made of the said books by such persons as the Committee may appoint, but that the deed of gift expressly restricts them from parting with the custody of the books themselves.

That the Rev. Mr Watts, junior, do attend the said Committee to-morrow, and produce to them the deed of gift ; and humbly express to them the opinion of this Court, which has been corroborated by that of Sir Nicholas Tindal when solicitor-general ; and that this Court trust the Committee will not compel them to part with the custody of the manuscripts, in express violation of their trust.

Have you any thing further to state to the Committee upon this subject ?—With regard to the deed of gift, just at the conclusion of it, the Committee will observe, that the copies are directed to be made in the Library ; that is the part upon which the directors found their desire not to give them up. It is implied, at least their legal advisers say so, that they are not to let them go out of the Library.

[*The Witness withdrew.*]

The Witness was again called in, and informed that the Committee had resolved that the books should be produced on Monday next.

*Lunæ, 5<sup>o</sup> die Maii, 1834.*

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*The Rev. Robert Watts, Junior, called in, and further examined.*

Will you produce the books which you were ordered to produce on the last occasion?—These are the books.

Will you have the goodness to state what those books are which you produce?—**Manuscript Records of the Kirk of Scotland.**

How many volumes are there, and of what date?—Three volumes; from 1560 to 1619.

[*The same were delivered in.*]

[*The Witness withdrew.*]

The Witness was again called in and informed, that the Committee wished the books to lie upon the Table for their inspection, and that the Committee would send to him when they wished them to be returned.

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## VI.

THE FOLLOWING LIST OF THE ORIGINAL BOOKS OF THE GENERAL ASSEMBLIES OF THE CHURCH WILL SERVE TO EXHIBIT IN ONE VIEW THEIR DATES AND HISTORY.

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|------------------------------------|-----------------------------------|
| 1. Dec. 20, 1560 to Dec. 28, 1566. | } Produced in 1638 by Warriston.  |
| 2. June 2, 1567 — Aug. 9, 1572.    |                                   |
| 3. March 6, 1572 — March 6, 1573.  | Produced in 1639 by Rigg.         |
| 4. Aug. 7, 1574 — July 1579.       |                                   |
| 5. July 12, 1580 — Oct. 1583.      | } Produced in 1638 by Warriston.  |
| 6. May 10, 1586 — March 1589.      |                                   |
| 7. Aug. 1, 1590 — May 17, 1597.    | } Produced in 1638 by Sandilands. |
| 8. March 7, 1597 — Aug. 13, 1616.  |                                   |

Of these eight Original volumes, the four recovered by Warriston and produced to the Assembly 1638, viz. the first, second, fifth, and sixth, and that produced by Rigg in the Assembly 1639, being the third of the series, have not been traced beyond their transfer from the Bass to the Tower of London. Of the fourth original volume, no trace whatever has been found. In the Assembly 1638, it was evidently conjectured or supposed to be in the possession of Archbishop Spottiswood. The two original volumes, viz. the seventh and eighth, obtained by Sandilands from the Archbishop, and produced to the Assembly 1638, together with the large duplicate volume, recovered by Warriston, were certainly those ultimately destroyed in 1834.

## VII.

## DOCUMENTS REFERRED TO IN THE PREFACE, PAGE IX.

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1.—LETTER FROM MR WILLIAM GRANT OF PRESTON-GRANGE, PROCURATOR OF THE CHURCH, MAY 3, 1733.

*To the very Reverend Moderator of the General Assembly of the Church of Scotland at Edinburgh.*

REVEREND SIR,

The Commission of the last General Assembly, by their Act of the fourteenth of March last, did appoint me to take a view of a Manuscript of the old Acts of Assembly, and if I judged them true and authentick, to cause the same to be transcribed.

In obedience to this appointment, I have several times view'd the Mss. and conferred with Mr Campbel, the Proprietor of them; but neither can I take upon me to judge whether they are true or authentick, tho to be copyed I think they would well deserve. But the Gentleman insists on other conditions than were at first explained or made known to the Commission, or to me till I saw him here. All therefore that I can do, is to explain as well as I can at a distance, what these Mss. are, and upon what terms we can have the Mss. or a Copy of it; and then the General Assembly may judge what shall be done.

To give you some view of the contents of these Books, which are three Volumes, one greater, and two smaller, and all in Folio, I have employed one to take a note of the several Assemblies, their date of commencement, and number of Sessions, and the time appointed for the meeting of the next Assembly, as oft as that is found in the Mss. And a great part of this Abstract I have myself compared, and corrected by the Mss. itself, and the rest caused to be done by another than the transcriber. He has likewise set down the words prefixed and subjoined to the great Volume, which appears to be signed by A. Johnstoun of Waristoun; and the Title prefixed to the 2d Volume; and the names of Moderators; and the places where subscriptions appear in the Mss. This was the best view that I could think of giving, such as could be sent in a letter. Any account or abstract of the contents or matters of the Acts themselves would have been bulky, and required time to prepare.

The subscriptions appear to me to be true and original. Those of Waristoun to the first Volume I compared with three other authentic Subscriptions of his, fur-

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nished by his son the Secretary; and with these the Mss. agrees, except in the (hon) h\*, which is thus writ in the Book, tho the others have no such tail subjoined; yet the air and appearance agree together; and perhaps that singularity was added to his Office-Subscriptions, to distinguish these from his ordinary ones. The other two Volumes are both signed by T. Nicolson; but I had nothing to compare these with, tho they have likewise the appearance of originals.

Such are these Mss. and upon them the Hon. Mr Archibald Campbell, the owner, sets a very high value; and declares his resolution, that if he shall not part with them, or publish them in his own lifetime, he will take care that they shall be carried out of this Kingdom, where they cannot be come at, after his decease.

His present Resolutions and demands are these:

That in case encouragement shall be given for printing the Mss. he will then allow it to be copied in order to Publication, and not otherwise.

That the General Assembly shall be at the charge of making a Copy for the Press, which will cost about £30 St<sup>r</sup>.

That being published, the General Assembly may retain the Copy that shall be so made, and collated with the Original; and shall further have the refusal, or first offer of the Original Mss. itself, they being willing to give him the same price for it, that he can get from any other person.

What will be encouragement sufficient for printing it, you'll see by Mr Millar the Bookseller's Proposal; and it is in case 300 Subscriptions shall be obtained in Scotland.

At the same time, it is not meant or desired that the Publication should be by authority of the Church, as if these were cognosced and judged authentick Registers; but merely as the act of the private Proprietor of the Mss.

Mr Campbel thinks, that for the Mss. itself, even after it is printed, he can get a hundred Pounds St.

Thus I have laid before you the case as it stands, and shall not presume to offer any opinion. The Mss. appears to be valuable, and well worth having, either the Principal, or an Authentick Copy, if it could be had on reasonable terms. And the question to be determined is, Whether the value of this, or the difference betwixt this and such other Mss. as we have already in Scotland, be worth the purchasing on the terms above mentioned.

I am, with great respect,

REVEREND SIR,

Your most Humble and most Obedient Servant,

WILLIAM GRANT.

*London, May 3d 1733.*

\* See fac-simile of Wariston's signature, page XLVI.

**2.—PROPOSALS FOR PRINTING BY SUBSCRIPTION—THE ACTS OF THE GENERAL ASSEMBLY OF THE CHURCH OF SCOTLAND FROM THE REFORMATION TO 1616 INCLUSIVE, IN 2 VOLS. IN FOLIO.**

- I. This Book will contain about 200 Sheets, and will be printed on a good Paper and Letter.
- II. The Work shall be put to the Press so soon as 300 Copies are subscribed for, and it shall be Published in Six Months after such a number is procured.
- III. The Price to Subscribers to be 2d  $\frac{3}{4}$  Sheet, but as the number of Sheets it will make is uncertain, half a Guinea is proposed to be paid down, and the Remainder on the Delivery of a Book in quires.
- IV. Those who subscribe for Six shall have a Seventh Gratis.

N.B. The Names of the Subscribers shall be Printed before the Work.

Subscriptions are taken in by And<sup>r</sup> Millar Bookseller, against St Clement's Church in the Strand, London: and by Gavin Hamilton, Bookseller in Edinburgh.

**3.—MR WODROW'S LETTER ANENT REGISTERS. OCT. 29, 1733.**

DEAR SIR,

Yours of 10 did not reach me till the 17. I have carefully perused all the Papers you so kindly send me, and have collated the Table which I see hath 2 or 3 errors in it,—John Hay for George Hay, and some others. The abstract gives some more light; but if it had noticed the first and last words of every Session, it would have afforded much more.

Now I am satisfied, The Record in Mr Campbells hands, is distinct and a different copy from these we have in Scotland: But whether the differences be so considerable betwixt them as to answer the high price he sett's on his *Mss*. I cannot yet judge. Indeed I hesitate much upon it.

Before I come to give you the defects I observe in my copy, which I suppose agrees very much with that Dr Fraser sent down, and the 5 or 6 others we have, let me observe from the printed Acts of Assembly 1638, p. 3. line last. Fol. edit. that at that time there were many copys specially of General Acts then extant, which they say agree with the Registers which they are proving to be authentick. Of this kind I take our present copys to be. These Acts of general use were appointed to be extracted by Mr Craig and others about 1592: But whether our copys be that extract I cannot say. They seem to be very large, and contean many things as to particular persons, one would think are of no general use.

The observations that offered themselves to me, upon collating the large Abstract

and short Table with my copy are these. The adjournments in the Record are pretty often wanting in the copy. The Moderators alwise agree. The Title of the Assemblys differs more in words then in sense as far as the Abstract goes. The Record generally leaves out Superintendants, Ministers, and Commissioners from Shires and Countryes, which is pretty often in the Title of the copy. Two things make the Table the more useless to me in this collation. The Copy pretty often agrees in the number of Sessions; but then it leaves severall of them. It will have Sess. 1 & 3 & 6. and yet they agree in the totall number; and its probable from the Abstract 1562, that Sessions in one Assembly are putt together, without numbering; and perhaps the Table is taken from the last number of the Record, and may want some of the intermediat Sessions. Some of the differences I have observed between the Record and Copy are as follow.

Ass. 1563, Decr. 25, Session 2d is wanting in the Copy.

— 1564, June 25, Session 3d is wanting in the Copy.

In both these the Mss. Calderwood hath extracts which the Copy wants. From this and Calderwoods numbering every Assembly exactly the same way with the Table, I guess Calderwood hath made his extracts from the Records.

Ass. 1567, July 21. Sessio 4 & 5 wanting in the Copy.

Calderwood hath extracts out of the 5 Session.

Ass. 1567, Dec. 25. 6 & 7 Sessions wanting in the Copy.

Calderwood hath extracts from both.

Ass. 1568, Feb. 25. The dates of the dayes of the Sessions differ, and the Copy wants Sess. 6. which Calderwood hath extracts from.

Ass. 1569, July 4. Sessio 4 is wanting in the Copy.

Calderwood also hath extracts from it.

Ass. 1569, March 1. The Copy wants Sess. 4 & 5. 6. which Calderwood also gives extracts from.

Ass. 1570, July 5. Sess. 6, is wanting in Copy.

— 1570, Mar. 5. Sess. 6, is wanting in Copy.

— 1570, (1571) Aug. 6. Sess. 3 & 4 wanting in Copy.

— 1571, Jan. 12. Sess. 4, 5, 6, wanting in Copy.

— 1571, March. Sess. 4 wanting in Copy.

— 1572, August. Sess. 4 wanting in Copy.

— 1572, March 6. Sess. 2, 4, 5, wanting in Copy.

Calderwood gives extracts of some of these, but not alwise. About this time Bishop Adamsons lacerations begin.

Ass. 1572, August 6. Sess. 4 & 5 wanting in Copy.

— 1573, March 6. Sess. 2, 4, 6, wanting in Copy.

— 1574, August 7. Sess. 4 & 5 wanting in Copy.

Here the Abstract ends. I doubt the Table is not so exact. Houever in what follows, I notice these differences.

Ass. March 1574. Copy wants Sess. 2, 3, 4, 5, 6, 7. This I imagine is one of Adamsons tearings.

In severall Assemblys the Record hath a Session or 2 more than the Copy, as Ass. 1575, 1578, 1583, 1587, 1591, 1600.

Ass. 1610, The Record hath 5 Sessions. The Copy hath no distinction.

Ass. 1616, Record hath but one Session. Copy hath 18 Sessions. Neither Record nor Copy have the Assembly at Perth 1618. Calderwood hath it.

Upon the whole, I am ready to think, that the differences are not very great between the Record and our Copys; and that Calderwoods Mss. will very much supplye these defect of this. I shall be in better case to write when I collate my Copy with Calderwoods Mss. as I incline to doe this winter, if I recover my further strenth, which is but uncertain, severall lesser tumors rising upon my breast.

Under your correction, and the Committys that have this matter before them, I shall offer my present thoughts upon the whole.

The Great Book now in the Honorable Mr Campbells hands, in my opinion, is the 5 Register which is named Act. Ass. 1638 p : 2 : called the Greatest Volume, and declared free of all prejudice and suspicion, and to be received with credite, as margined by the hand write of the Clerk, and agreeable to the 4 preceeding Books. At first when I read the Abstract you sent me, and observed in your letter that S. Subscribitur is not added to Gray's subscriptions, as in my Copy, I inclined to think this volume to have been the 4 volumes mentioned by the Assembly 1638 bound up in one. But besides Lord Warriston's declaration, that this is the Great Book, that is the Greatest of the 5, and the 5th Register, the division of the Tomes in the Table doth not agree with the volumes mentioned in the Acts of the Assembly 1638. You will see page 2d, that the 2d Register and 2d Tome in the Table end Assembly, August 1572. And the 3d Register lying before the Assembly 1638, conteans the Assemblys from 1574—1579, which is the 4 Tome of the Copy in the Honorable Mr Campbells hands. And in the Registers before the Assembly 1638, there is a gap between 1572 and 1574, which youl see by the Table is made up in Mr Campbells Record, Tome 3d. So that its impossible this Record can be the same with the 4 volumes lying before the Assembly 1638, and declared to be famouse, authentick and good Registers by them: Besides in the Table the 5 Tome conteans the Acts of Assemblys from 1579 to May 10, 1586, which are wanting in the 4 volumes of Registers before the Assembly 1638: And so this greater volume conteans these years which were not in the authentick Registers; and then the 6 Tome comes in as the 4 volume of Registers before the Assembly 1638: So that I am pretty positive this Record is not the authentick 4 volumes of Registers, but the greatest volume the Assembly 1638 speaks of. All which is confirmed from the description given, Acts of Assembly 1638, p. 3 a medio, " That this greatest volume conteans the Acts from 1560—1590, and agrees with the 4 Books and Registers, as farr as is extant in

them; and further recordeth what is wanting by them, passing by what is mutilat in them;" that is Bishop Adamsons tearings.

These remarks, I think, settle the point, that Mr Campbells Record is not the Principal Authentick Acts before the Assembly 1638, but a Copy of them signed on the Margine by Mr James Ritchie, the Clerk, and copied by his servant, which are declared by Assembly 1638 to be conform to the Registers, and free of all suspicion, and deserving credits.

When I am upon this, youd be pleased to inspect the Copy Dr Fraser sent down to Colledge, and particularly the subscription. I mind on my transient view of it, its signed Nicholson: But I dont mind, whether it be James Nicholson or Thomas Nicholson. If Thomas Nicholson, I make little question but its a Copy taken off the originals then in their hands, by that Gentleman who was 3d Clerk to the Assembly. If James Nicholson, he was Moderator of the Assembly 1595; and it may be, hath been a copy taken for his use at that time. You can only judge of this by secular inspection.

However this be, I am of opinion, this ought to be signified in your correspondence with the Hemorable Mr A. Campbell, that his Record is not the original Registers before the Assembly 1638; but only the Greater Book, which is declared worthy of credits: because they collated it with the Original Records. This ought at least to bring down his very high demands, for his Mss. the wanting of S. Subscribitur to Grayes subscription will not ballance what is above, and might be a slip of the Transcriber.

Allow me only to add, that before you can deal with Mr Campbell to any purpose, either your Copy taken off Dr Fraser's must be sent up to London, to be carefully collated by some body of sense with Mr Campbells Record, and the differences carefully marked; at least the first sentence and last of every Session that your Copy wants, should be sett down, if Mr Campbell will allow: or Mr Laudon, or any youd imploy, must go through your Copy, and give the Assemblys with their dates, and the first and last words of every Session, with the first and last words, or at least the Tittles of the Principal Papers contained in the different Assemblys. For instance, Assembly, April 24, 1581, the 2d Book of Discipline is insert. Assembly, May 10, 1586, a list of Presbitrys through Scotland is insert. Assembly 1590, August 4, the list of the members of Assembly are insert. By this collation Mr Campbell will not be wronged, and you will be in ease to judge the true value of his Record.

When this is done, if the difference be but trivial between our Copies and his, and especially if we can make them up from Calderwoods Mss. History, I cannot say I would be for giving him above 40 or 50 Pound for his Record, since he will see our Copies are not farr short of it. So much, had we money to give, I wish were given to have one of the Registers approven by the Assembly 38.

If it come out otherwise, then other methods must be taken with an old poor man

not very friendly to our Constitution, and in his oppinions already farr gone over to Rome.

In no case I would be for printing the Record, except it were revised by a Com-mitty named by the Assembly ; and such things as are not of general use be left out. I gave you my reasons for this when here. There are Acts contradicting one another, and many things unfitt for the public view. And no wonder when the Church was but just emerging from Popish ignorance and confusion ; and it was 20 years before Presbitrys were established ; and 9 before any regulation was made, who should be members ; and generally all came who were Ministers, and well affected to the Reformation, who wer of any rank.

I would be much rather for a collection for the summ that shall be agreed on with Mr Campbell for his 3 volumes. And I hope we are not so low but 2 or 3 hundred Pound might be gathered from Ministers and well disposed persons at Guineas a peice, with a promise of a Copy of the Acts of Assembly of generall use, when the Assem-bly sees fitt by their orders to print them, which I think might be done. And our friend A. Millar, who hath made this discovery to us, should be considered in that matter. I fear the Churches funds are so much embarrassed, that little can be hoped for from them.

If Mr Campbell should be unreasonable in his demands, what offers to me under correction is, that propper hands should be imployed to deal with Secretary John-stoun, that the state of the matter should be laid before him ; and the Churches claim upon these 3 volumes of Records, signified to him ; and even our claim upon him as his father's Representative, for what belonged to the Assembly, and is attested by his father in the Churches name. His claim on Mr Campbell might likewise be urged. In that case, the Secretary might easily deal with Mr Campbell in concert with you here.

All this is proposed in much submission to your better judgement. I only mention these things as hints which may open the dore to somewhat more ripe and digested from you and the Com-mitty which have this matter before them. I know you will take all as well meaned, and make allowances.

Allow me to subscribe myself, D<sup>r</sup> Sir,  
Your most Humble  
And Aff<sup>ct</sup> Servt.

Eastwood Oct 29  
1733.

RO. WODROW.



## VIII.

A TABLE OF THE GENERAL ASSEMBLIES OF THE CHURCH TAKEN FROM THE ORIGINAL  
REGISTERS, AND REFERRED TO IN THE PRECEDING LETTERS.

“The buik of the vniuersall kirk of Scotland quhairin the Acts and Conclusions  
devisit be the Ministaris and Comissionars of the particular kirks thair of are  
severally expressed and containid.”

“This is the great volume aprovin be the general assemblée at Glascou in  
November 1638.”



## A SHORT VIEW OR TABLE

Of the Generall Assemblies of the Kirk of Scotland from the year of our Blessed  
Lord 1560, that she reformed from the Church of Rome, to the year 1617, which was  
fourteen years after King James the Sixt of Scotland's Accession to the Crown of  
England, taken from the original authentick approved Records of the Kirk for 56  
years ; in severall of which Assemblies King James was personally present.

Assemblies.	Places.	Day. Moneth.	Year.	Sessions.	Moderators.
Assem. 1,	Edinburgh,	20 December	1560.	3 Sess.	
Assem. 2,	Edinburgh,	27 May	1561.	3 Sess.	
Conv <sup>a</sup> .	Edinburgh,	30 Junij	1562.	6 Sess.	
Assem. 3,	Edinburgh,	30 Junij	1562.	6 Sess.	
Assem. 4,	Edinburgh,	25 December	1562.	5 Sess.	
Assem. 5,	S <sup>t</sup> Johnstoun,	25 Junij	1563.	4 Sess.	
Assem. 6,	Edinburgh,	25 December	1563.	6 Sess.	Mr John Willock.
Assem. 7,	Edinburgh,	25 Junij	1564.	6 Sess.	Mr John Willock.
Assem. 8,	Edinburgh,	25 December	1564.	3 Sess.	John Erskine.
Assem. 9,	Edinburgh,	25 Junij	1565.	4 Sess.	Mr John Willock.
Assem. 10,	Edinburgh,	25 December	1565.	4 Sess.	John Erskine.
Assem. 11,	Edinburgh,	25 Junij	1566.	2 Sess.	John Erskine.
Assem. 12,	Edinburgh,	25 December	1566.	4 Sess.	John Erskine.

Endis the First Tome.

# APPENDIX.

XLVII

Assemblies.	Places.	Day.	Month.	Year.	Sessions.	Moderators.
Assem. 13,	Edinburgh,	25	Junij	1567.	4 Sess.	Mr George Buchanan.
Assem. 14,	Edinburgh,	21	July	1567.	5 Sess.	Mr John Row.
Conv <sup>a</sup> . 1,	Edinburgh,	18	December	1567.	3 Sess.	
Assem. 15,	Edinburgh,	25	December	1567.	7 Sess.	Mr John Row.
Assem. 16,	Edinburgh,	1	July	1568.	5 Sess.	Mr John Willok.
Assem. 17,	Edinburgh,	25	December	1568.	1 Sess.	Mr John Knox.
Assem. 18,	Edinburgh,	25	February	1568.	6 Sess.	Mr David Lindesay.
Assem. 19,	Edinburgh,	5	July	1569.	5 Sess.	Mr Wm. Christison.
Assem. 20,	Stirling,	25	February	1569.	1 Sess.	Mr John Spottiswod.
Conv <sup>a</sup> . 2.	Edinburgh,	1	Merche	1569.	11 Sess.	Mr John Craig.
Assem. 21,	Edinburgh,	5	July	1570.	6 Sess.	Mr Robt. Pont.
Assem. 22,	Edinburgh,	5	Merche	1570.	6 Sess.	Mr John Hay.
Assem. 23,	Stirling,	6	August	1570.	4 Sess.	Mr Gilbert Gardin.
Conv <sup>a</sup> . 3,	Leith,	12	January	1571.	6 Sess.	Mr Gilbert Gardin.
Assem. 24,	St. Andrews,	6	Merche	1571.	4 Sess.	Mr Robt. Hamilton.
Assem. 25,	Perth,	6	August	1572.	4 Sess.	John Erskin of Dwn.

Endis the 2 Tome.

Assem. 26,	Edinburgh,	6	Merche	1572.	7 Sess.	David Fergusson.
Assem. 27,	Edinburgh,	6	August	1573.	8 Sess.	Mr Alexr. Arbuthnot.
Assem. 28,	Edinburgh,	6	Merche	1573.	7 Sess.	Mr Andrew Hay.

Endis the 3 Tome.

Assem. 29,	Edinburgh,	7	August	1574.	10 Sess.	Mr John Duncanson.
Assem. 30,	Edinburgh,	7	Marche	1574.	12 Sess.	Ja. ABp. of Glasgow.
Assem. 31,	Edinburgh,	6	August	1575.	7 Sess.	Mr Robt. Pont.
Assem. 32,	Edinburgh,	24	Apryle	1576.	7 Sess.	Mr John Row.
Assem. 33,	Edinburgh,	24	October	1576.	8 Sess.	Mr John Craig.
Assem. 34,	Edinburgh,	24	Aprile	1577.	9 Sess.	Mr Alexander Arbuthnot.
Assem. 35,	Edinburgh,	25	October	1577.	13 Sess.	Mr David Lindesay.
Assem. 36,	Edinburgh,	24	Aprile	1578.	10 Sess.	Mr And. Mellvill.
Assem. 37,	Stirling,	11	July	1578.	4 Sess.	Mr John Row.
Assem. 38,	Edinburgh,	24	October	1578.	8 Sess.	David Fergusson.
Assem. 39,	Edinburgh,	7	July	1579.	10 Sess.	Mr Tho. Smeton.

Endis the 4 Tome.

Assem. 40,	Dundee,	12	July	1580.	10 Sess.	Mr James Lawson.
Assem. 41,	Edinburgh,	20	October	1580.	13 Sess.	Mr Andrew Hay.
Assem. 42,	Glasgow,	24	Aprile	1581.	10 Sess.	Mr Robt. Pont.
Assem. 43,	Edinburgh,	17	October	1581.	23 Sess.	Mr John Craig.

Assemblies.	Places.	Day.	Month.	Year.	Sessions.	Moderators.
Assem. 44,	St. Andrews,	24	Aprile	1582.	14 Sess.	Mr And. Melvill.
Assem. 45,	Edinburgh,	27	Junij	1582.	7 Sess.	Mr And. Melvill.
Assem. 46,	Edinburgh,	9	October	1582.	20 Sess.	David Lindesay.
Assem. 47,	Edinburgh,	24	Aprile	1583.	13 Sess.	Mr Tho. Smeton.
Assem. 48,	Edinburgh,	10	October	1583.	16 Sess.	Mr Robt. Pont.

Endis the 5 Tome.

Tome 6.						
Assem. 49,	Edinburgh,	10	May	1586.	18 Sess.	Mr David Lindesay.
Assem. 50,	Edinburgh,	20	June	1587.	18 Sess.	Mr And. Melvill.
Assem. 51,	Edinburgh,	6	February	1587.	18 Sess.	Mr Robert Bruce.
Assem. 52,	Edinburgh,	6	August	1588.	14 Sess.	Mr Tho. Buquhannan.

This is the great Volume aprovin be the Gen. Assemblée at Glascou in November 1638.

A. JHONSTON, Cls. Eccl.

*Register of the Acts of the Generall Assemblie of the croipes and zeiris of God  
I<sup>m</sup> v<sup>e</sup> lxxxx—lxxxvi inclusivè Be . . . . Clark depute y<sup>t</sup>o.*

Assem. 53,	Edinburgh,	4	August	1590.	17 Sess.	Mr Pat. Galloway.
Assem. 54,	Edinburgh,	2	July	1591.	18 Sess.	Mr N. Dalgleshe.
Assem. 55,	Edinburgh,	22	May	1592.	23 Sess.	Mr Rob. Bruce.
Assem. 56,	Dundie,	24	Apryle	1593.	9 Sess.	Mr David Lindesay.
Assem. 57,	Edinburgh,	7	May	1594.	18 Sess.	Mr And. Melvill.
Assem. 58,	Montrose,	24	June	1595.	9 Sess.	Mr James Nicolson.
Assem. 59,	Edinburgh,	23	Merche	1595.	13 Sess.	Mr Rob. Pont.
Assem. 60,	Perth,	1	Merche	1596.	7 Sess.	Mr David Lindesay.

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Assem. 61,	Dundee,	10	May	1597.	10 Sess.	Mr Robt. Rollok.
Assem. 62,	Dundee,	7	Marche	1597.	13 Sess.	Mr Peter Blackburn.
Assem. 63,	Montrois,	18	Marche	1600.	9 Sess.	Mr Robert Wilkie.
Assem. 64,	Bruntyland,	12	May	1601.	5 Sess.	Mr John Hall.
Assem. 65,	Holyruidhouse,	10	November	1602.	6 Sess.	Mr Pat. Galloway.
Assem. 66,	Lythgow,	26	July	1608.	8 Sess.	Ja. Law Bp. of Orkney.
Assem. 67,	Glasgow,	8	June	1610.	5 Sess.	John ABp. of Glasgow.
Assem. 68,	Aberdeene,	13	August	1616.	1 Sess.	John ABp. of St. Andrews.

TH. NICOLSON.

## IX.

## IN THE GENERAL ASSEMBLY HELD AT GLASGOW, 1638.

Act. Sess. 12. December fourth.

## THE SIX LATE PRETENDED ASSEMBLIES CONDEMNED.

Asent the report of the Committie, for trying the six last pretended Assemblies: They produced in writ sundrie reasons, clearing the unlawfulness and nullitie of these Assemblies: which were confirmed by the registers of the Assembly, the books of Presbyteries, the Kings Mjesticies own letters, and by the testimonie of divers old reverend Ministers, standing up in the Assembly, and verifying the truth thereof. The Assembly with the universal consent of all, after the serious examination of the reasons against every one of these six pretended Assemblies apart, being often urged by the Moderatour, to informe themselves throughly, that without doubting, and with a full perswasion of minde, they might give their voices, declared all these six Assemblies of Linlithgow 1606 and 1608, Glasgow 1610, Aberdeen 1616, St Andrews 1617, Perth 1618. And every one of them to have been from the beginning unfree, unlawfull, and null Assemblies, and never to have had, nor hereafter to have any Ecclesiastical authoritie, and their conclusions to have been, and to bee of no force, vigour, nor efficacie: Prohibited all defence and observance of them, and ordained the reasons of their nullitie to be insert in the books of the Assembly: Whereof the tenour followeth.

## REASONS FOR ANNULLING THE PRETENDED ASSEMBLY, HOLDEN AT LINLITHGOW 1606.

I. From the indiction of it. It was indicted the third of December, to bee kept the tenth of December. And so there was no time given to the Presbyteries, far distant, neither for election of Commissioners, nor for preparation to those who were to be sent in Commission. The shortnesse of the time of the indiction is proved by the Presbyterie books of Edinburgh, Perth, and Hadingtoun, &c.

II. From the want of a lawfull calling, to these who went to that meeting, seeing they were not at all elected by their Presbyteries, but were injoynd to come by the Kings letters. This also is proved by the forsaid books of the Presbyteries, and by his Majesties letters.

III. From the nature of that meeting, which was only a private meeting, or convention, for consultation to be taken by some persons of sundry estates written for, as the Kings letters and the Presbyterie books do acknowledge.

IIII. From the power of these Ministers who were present Their Presbyteries did limitate them: First, That they should give no suffrages in that meeting as a generall Assembly. Secondly, That they agree to nothing that may any wayes be preju-

dicial to the acts of the generall Assemblies, or to the established discipline of the Kirk. Thirdly, That they should not agree to resolve or conclude any question, article, or mater whatsoever, the decision whereof is pertinent, and proper to a free generall Assembly. Fourthly, If any thing be concluded contrary thereunto, that they protest against it. These limitations are clear by the Presbyterie books.

V. The acts of this meeting were not insert in the book of Assemblies, as is evident by the registers.

VI. The next pretended Assembly at Linlithgow, 1608, doth acknowledge the Assembly, whereof Master Patrick Galloway was Moderatour, to have been the last immediate Assembly, preceeding itselfe: and that Assembly whereof he was Moderatour, was the Assembly holden at Haly rood-house, 1602. So they did not acknowledge that meeting at Linlithgow, 1606, for any Assembly at all. This is clear by the registers of the Assembly, 1608, in the entrie thereof.

#### REASONS FOR ANNULING THE PRETENDED ASSEMBLY AT LINLITHGOW, 1608.

I. Manie of the voters in that pretended Assembly had no lawfull commission from the Kirk, to wit, 42. Noblemen, officers of state, Counsellours, and Barrons, also the Bishops, contrare to the act of Dundie, 1597. And one of their caveats. The Noble men were as commissioners from the King, the Bishops had no commission at all from the Presbyteries, for every Presbyterie out of which they came, had their full number of Commissioners beside them, as the register of the Assembly beareth

II. In a lawfull Assembly there should be none but Commissioners from Presbyteries, Burghs, and Universities, and but three ministers at most, with one Elder, Commissioners from every Presbyterie, according to the act made at Dundie, 1597. But in that pretended Assembly, there were foure ministers from the severall Presbyteries of Edinburgh, and Cowper, five from the Presbyterie of Arbroth, as the roll of the said pretended Assembly beareth; whereas there were no ruling Elders sent from Presbyteries, according to the book of policie and act of Dundie.

#### REASONS FOR ANNULING THE PRETENDED ASSEMBLY AT GLASGOW, 1610.

I. The Commission of the pretended Commissioners to that meeting was null. 1. Because the election of them was not free, seeing they were nominate by the Kings Letters, as the Presbyterie books of Edinburgh, Perth, and Hadingtoun declare. And the Bishop of St Andrews in his letter to some Presbyteries, required them to send such Commissioners as the King had nominate: Assuring them, that none other would be accepted. This the Bishops letter registrat in the Presbyterie books of Hadingtoun doth cleare. 2. And whereas there were no ruling Elders sent from the Presbyteries to that pretended Assembly, as the roll of Commissioners sheweth; yet there were more ministers from sundrie severall Presbyteries than three, as five from Brechen, five from Arbroth, five from Kirkcubright, seven from the Presbytery of

Argyl, foure from the Presbyterie of Cowper, foure from Linlithgow, four from Pasley, four from Hammiltoun, foure from Drumfries, foure from Dunkell; as the register of that Assembly beareth.

II. There were thirtie voters of Noble men and Barrons, beside the pretended Bishops, who had no comission from any Presbyterie. In the fourth Session of this pretended Assembly it is plainly said, That the Noble men and Barrons came to it by the Kings direction.

III. The voting of the commissioners was not free: for by the Kings letter to the Assembly they were threatened, and it was declared that their consent was not needfull to any act to be made there: The King might do it by his own power, yet they were allured to vote by a promise that their good service in so doing should be remembred and rewarded thereafter.

IV. The principall acts which were made, were set down verbatim in the privie conference, which chiefly consisted of the Kings Commissioners and pretended Bishops, and only read to be ratified in the Assembly.

V. Sundrie ministers then present, do now declare, that they knew the ministers who voted the wrong way, to have received their present reward, and that money was largely dealt unto them.

#### REASONS FOR ANNULLING THE PRETENDED ASSEMBLY AT ABERDENE, 1616.

I. There was no election of a Moderatour: but that place usurped by the pretended Bishop of Saint Andrews, as the Register beareth.

II. The indiction of that pretended Assembly was but twentie dayes before the holding of it: so that the Presbyteries and burghes could not be prepared for sending their commissioners: which caused the absence of many Presbyteries and fourtie foure Burghes.

III. There were twentie five noble-men and gentle-men, voters without commission from the Kirk. Mr William Struthers voted for the Presbyterie of Edinburgh, yet had no commission therefrom: The commission being given by that Presbyterie to other three, as the said commission registrat in the books of the Presbytery beareth. And whereas there should be but one Commissioner from every burgh, except Edinburgh, to the Assembly; at this pretended Assembly, there were two Commissioners from Glasgow, two from Cowper, two from St Andrews: whereas there were no ruling Elders having commission from their Presbyteries at that Assembly.

III. When the acts of that pretended Assembly were written, the Bishop of St Andrews with his own hand did interline, adde, change, vitiate, direct to be extracted or not extracted, as he pleased, as the scrolls themselves seen doe show; wherefore the clerk did not registrat the acts of that Assembly in the books of Assemblies, as may be easily seen by the blank in the register left for them remaining unfilled.

**THE NULLITIE OF THE PRETENDED ASSEMBLY AT SAINT ANDREWS, 1617.**

- I. There is no mention of it in the register of the Assemblies, and so no warrant for their commissions, their Moderatour or Clerk.
- II. The indiction of it was so informall, that as the scroll declareth, a great part of the Commissioners from Synods, Burrows, and gentlemen, would not be present.
- III. The Kings Majestie in his letter to Perth's Assembly, acknowledgeth it was but a meeting, wherein disgrace was offered to his Majestie.
- IIII. The former corruptions of the foure preceeding Assemblies had their confluence in this and the subsequent Assembly.

**REASONS FOR ANNULLING THE PRETENDED ASSEMBLY, HOLDEN AT PERTH, 1618.**

- I. The Assembly was indicted but twentie dayes before the holding of it: and all parties requisit received not advertisement, as appeareth by their absence. The untimous indicting of it, is cleared by the Presbytrie books.
- II. There was no election of the Moderatour, as was accustomed to be in lawfull Assemblies; The register cleareth this.
- III. No formal election of their new Clerk.
- IIII. There were five whole Dyocies absent, viz. Orkney, Cathnes, Rosse, Argyll, and Isles: and many Presbyteries had no Commissioners there, as the register of that pretended Assembly beareth.
- V. There were nineteen Noblemen and Barons, eleven Bishops, that had no commission from the Kirk. Whereas the act for constitution of Assemblies, ordaineth every Burgh to have but one Commissioner, except Edinburgh, which may have two, (Act at Dundie, 1597) yet in that pretended Assembly, Perth had three Commissioners, Dundie had two, Glasgow had two, and St Andrews had two: Of the Burghes there were thirtie six absent: And for ruling Elders, there were none at all with commission from their Presbyteries. All these things are cleared by the records of that pretended Assembly.
- VI. The Commissioners from some Presbyteries exceeded their number, prescribed in the act at Dundie, 1597, for the Presbytrie of Arbroath were foure Commissioners, and foure for the Presbytrie of Aughter-ardour: Beside these that were heard to vot, having no commission at all, and some who had commission were rejected, and were not enrolled, but others put in their place without commission.
- VII. The pretended Bishops did practise some of the articles to be concluded there, before the pretended Assembly, in Edinburgh, St Andrews, and other cathedrall Churches, by keeping festivall dayes, kneeling at the Communion. Thus their voices were prejudged by the practise of these articles before condemned by the Kirk, and therefore they should have been secluded from voicing.
- VIII. In all lawfull Assemblies, the voicing should be free: But in this pretended

Assembly there were no free voicing; for the voicers were threatened to voice affirmativé, under no lesse pain nor the wrath of authoritie, imprisonment, banishment, deprivation of ministers, and utter subversion of the state: Yea, it was plainly professed, that neither reasoning, nor the number of voices should carie the matter away: Which is qualified by the declaration of many honest old reverend brethren of the ministry now present.

IX. In all lawfull Assemblies, the grounds of proceeding were, and used to be, the word of God, the confession of Faith, and acts of former generall Assemblies. But in this pretended Assembly, the ground of their proceeding in voicing, was the Kings commandment only: For so the question was stated: Whether the five articles, in respect of his Majesties commandment, should passe in act, or not: as the records of that pretended Assembly beareth. Where it is declared, that for the reverence and respect which they bear unto his Majesties royall commandments, they did agree to the foresaids articles.

X. Many other reasons verifying the nullitie of all these Assemblies, were shoven and proven before the Assembly, which needeth not here to be insert.

### ADDENDUM—P. 131.

At Edinburgh x of Julij 1568. In the Generall Assemblie and saxt Session thair of.

The haill Kirk assembled, for eschewing of pleyis among brethren, maist hartlie requestis my Lordis President of Session, Secretare, Advocat, Clerk of Registre, Justice Clerk, Lord Provand and Mr Henry Balnavis, or any three of them, to decyde the Controversie that apperandlie may be movit betwix the Maisteris of the New College of Sanctandrois, and Mr Alexander Spens, Minister of Couper, anent thair pretendit right of the parsonage of Tarvat; and this to be done betwix this day and xvi of August next, to the effect that my Lord Regents G. may give his Gs presentation to the partye having best right.

J. GRAY, Scr.



# CORRIGENDA.

Page.	Line.	
17.	34.	<i>after</i> Hay insert a comma.
49.	21.	<i>for</i> Loathein <i>read</i> Letham (C.)
58.	9.	<i>delete</i> and (C.)
77.	7.	<i>for</i> John <i>read</i> James (C.)
96.	7.	— Quarters <i>read</i> Commissioners,
105.	18.	— raisit (razed) <i>read</i> ratifeit ?
106.	37.	— 20 <i>read</i> 25.
145.	7.	— found <i>read</i> summoned (C.)
146.	22.	— denounce <i>read</i> demit (C.)
179.	25.	— moderators <i>read</i> modifiers ?
238.	4.	— stream <i>read</i> storm ?
255.	4.	— James <i>read</i> John.
256.	37.	— Beduchie <i>read</i> Benduchie.
267.	21, 23.	— excommunicants <i>read</i> excommunicats.
270.	1.	— Haleio <i>read</i> Halcro.
281.	6.	— John <i>read</i> James.
295.	7.	— Galloway, Kile, <i>read</i> Galloway, Aberdeen, Kile, minister of.
337.	8.	— Edinburgh <i>read</i> Aberdeen.
368.	6, 7, 8.	— John <i>read</i> Gilbert.
425.	27.	— continuance <i>read</i> contumacie.
425.	30.	— roundit <i>read</i> unmeet (C.)
435.	24.	— Etham <i>read</i> Eythan.
470.	13.	— Angus and Marnes <i>read</i> Aberdeen and Banff.
—	24.	— Dynneir <i>read</i> Dinmure.
532.	16.	— Tividdail <i>read</i> Tweddail.
540.	12.	— Ramuscraig <i>read</i> Ravinscraig.
634.	9.	— George <i>read</i> Gilbert.
643.	18.	— notwithstanding <i>read</i> not standing (C.)
648.	21.	— Clidesdail <i>read</i> Dumbarton : in the Nether Ward of [ ]: (C.)
649.	25.	— Torrie <i>read</i> Turreff.
657.	1.	— ame <i>read</i> same.

Page.	Line.	
667.	16.	<i>delete</i> David (C.)
687.	2.	<i>for</i> quarters <i>read</i> Commissioners.
—	12.	— dulterme <i>read</i> due terme (C.)
716.	27.	— Elly <i>read</i> Enzie.
717.	19.	— Logilichan <i>read</i> Logiebuchan.
—	21.	— Gordon <i>read</i> Garden.
—	29.	— Fyfe <i>read</i> Fyvie.
—	—	— Locky Damock <i>read</i> Logie-durno.
—	30.	— Innerug <i>read</i> Inverury.
764.	17.	— Lumdie <i>read</i> Lundie.
765.	15.	— Graig <i>read</i> Greig. M.S.W.
770.	12.	— Endercharitie <i>read</i> Inveraritie.
795.	11.	— John <i>read</i> James (C.) MSS. A. W.
799.	22.	— derectour <i>read</i> the Rectour.
803.	6.	— Bondronne <i>read</i> Wynrhame.
813.	10.	— octavo <i>read</i> vigesimo octavo.
815.	15.	— presbytery <i>read</i> synod.
816.	15, 16, 17, 18.	<i>to be delete.</i>
824.	24.	<i>for</i> Trewquhy <i>read</i> Frewquhy.
—	29.	— Kilkell <i>read</i> Kilkill.
832.	30.	— inhite <i>read</i> inhibite. MSS.
851.	13.	<i>for</i> Julij <i>read</i> Junij.
863.	29.	<i>after</i> Bruce <i>insert</i> Robert Wallace:
878.	5.	<i>for</i> Robert Laud <i>read</i> Robertland, and add [David Cunningham of.]
930.	14.	— Endercharitie <i>read</i> Inveraritie.
981.	2.	<i>delete</i> to.
—	5.	<i>for</i> reformation <i>read</i> information.
999.	1.	<i>insert</i> 15 <i>before</i> Novembris.
1124.	12.	<i>for</i> Howit <i>read</i> Howie.
1131.	23.	— Andro <i>read</i> George.
1040.	6.	— 44 year <i>read</i> 40 year.
1042.	11.	— 45 year <i>read</i> 40 year.
1082.	35.	— 47 year <i>read</i> 43 year.

**THE BOOKE**  
**OF THE**  
**UNIVERSALL KIRK OF SCOTLAND:**  
**WHEREIN THE HEADIS AND CONCLUSIUNS**  
**DEVYSIT BE THE MINISTERIS AND COMMISSIONARES**  
**OF THE PARTICULAR KIRKS THEREOF**  
**ARE SPECIALLY EXPRESSED**  
**AND CONTAINED.**



A. D. M.D.XCIII.

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THE Generall Affemblie of the Kirk of Scotland, convenit at Dundie  
the xxiiij day of Apryle 1593.

Exhortatioun being maid be Mr Robert Bruce, Moderatour of the laft Affemblie ; in refpect of the raritie of the brether convenit, it was thoght meit the electioun of ane Moderatour fould be continewit quhill efter nyne, quhane the number will be mair frequent.

Acta Sessione Secunda, Eodem die.

The Affemblie, according to thair ordour, proceiding to the electioun of ane Moderatour, during this Conventioun, appointit and delytis Mr David Lyndefay, Mr James Balfour, Mr Johne Nicolfoun, Mr Andro Meluill, Mr Patrick Sympfoun ; and, be pluralitie of voitis, the faid Mr David was choffin Moderatour hac vice.

The hours of conventioun, ilk day dureing the Affemblie, war appointit the accuftomeit hours.

And to the effect that all the actiouns to be intreitit at this tyme may be mair convenientlie and ordourlie handlit, and mair reddelie difpecht, the Kirk nominat thair bretherne vnderwritin, thay ar to fay, the Lairds of Cammo, Abottishall, Powrie, Ogilvy, commiffioners of Edenburgh and Lyth, Mr Robert Pont, Mr John M'kenzie, Mr Alexander Dowglas, Mr Gilbert Gairdin, Mr Peter Blackburne, Alexander Keyth, William

Crysfoun, Mr James Nicolfoun, Johne Dury, Mr Archibald Meluill, Mr Nicol Dalgleithe, Mr Thomas Buchannane, Daid Fergusoun, Mr James Meluill, Mr William Rynd, Mr Patrick Symfoun, Mr Robert Bruce, Mr Robert Hepburne, Mr Johne Spoittifwod, Mr William Methwen, Mr Archibald Clayhills, Mr Johne Cowper, Mr Daid Barclay, Mr Matho Wyllie, Mr Alexander Wreytoun, Mr William Edmeftoun, to convine daylie with Moderatour in the rewestrie of the kirk, at aucht hours in the morning and tua efter nyne of the preauching dayis, and immediatlie efter the fermone in the preaching dayis, to gif thair adwyfe and counfell in proceeding in materis of this Affemblie.

*Acta Sessione Tertia, vigesimo quinto Aprilis 1593.*

Foralsmeikill as ther is ane Conventioun of the Nobilitie appointit be his Majestie in Edenburgh, the xxvij day of this instant, quher it is thocht meit that certane of the Kirk be present, to propone sick articlis and petitionis as for the tyme salbe thocht meit: Thairfor the Kirk and Affemblie present hes thocht meit to condiscend vpoun sic articles, quhairof ane breif recitle followis, quhilk heirefter ar to be brocht and reduceit in sum guid forme.

First, It is thocht meit to be craveit that all Papeiftis within this realme may be pvnishit according to the lawis of God and of the realme.

Item, That the act of Parliament of ipso facto may strak vpoun all maner of men landit and vnlandit, constitut in office or vtherwayis, als weill as the samyn is speciallie consawit aganis benefeicit perfouns.

Item, That ane declaratour be cravit aganis Jesueits and traficking Papifts aganis the trew religioun professit within the realme, quherby thay may be declairit tratours, to this effect the reffateris of thame may be pvnishit according to the act of Parliament: and sicklyke that ane reformatioun may be of the thrie dayis contenit in the said act.

Item, That all sick perfouns as the Kirk fall find and declair publeclie to be obstinat Papeiftis, althocht thay be not excommvnicat, be debarit frome bruiking of ony office within the realme, as alsua from acces to his Majesteis companie, and from inioying of ony banefeit of the lawis of the realme; as alsua that the pane of horning and vther ciuell paines may follow vpon the said declaratour, siclyk as alreddie followis vpon the sen-

tence of excommvnicatioun : and that ane act of Counfall presentlie may be maid and publishit thervpon, quhill the nixt Parliament, quher the samyn may be establisht in ane law.

Ordanes the bretherne of the haill Presbiteris quhilks ar present, to gif in the names of all maner of persouns excommvnicat for quhatsumever crime, as als of professing Papeistis, the morne to the full Assemblie.

The Generall Assemblie of the Kirk gevis full power and commissioun to the brether of the Presbiteres of Glasgou and Hammiltoun, or sa many of thame as guidlie can be convenit togidder, to summond Mr Myrheid to compeir befor thame, with all expedient deligence, at the first dyet within the Toun of Glasgou, to ansuer for the defectioun of the ministrie, and to proceed according to the tryell and proces led befor thame ; and in caice of ma dyetis nor ane, the plaice to be mvtuallie interchangit efter thair assembling ; and to report thair proceeding to the nixt Generall Assemblie of the Kirk.

Anent the commissiouns gevin in the last Assemblie to the Presbitreis of Brichen and Arbrothe ; sick brether adioynit to thame concerning Mr Walter Lyndefay and his collegeis.

Item to the Presbetrie of Hadingtoun concerning Mr George Ker ; To the Presbeterie of Dalkeyth concerning the Laird of Rosling ; To the Presbeterie of Edenburgh concerning Mr George Semple ; as the particular commissiouns beris. Ane particular report of thair deligence being hard, the saids haill commissiouns wer found to be execute.

Anent the commissiouns gevin to the Presbiteris of Stirling and Dumblane concerning the complaint of the parochiners of Eglisname : The proceedingis in the mater being presentit in writ be Mr Patrik Symfoun, Minister in Stirling, in respect thay have remittit sum thingis to be confiderit be the haill Kirk, to do ferder reffolutioun therin is superceidit quhill materis remittit to this Assemblie be proponit.

Anent the commissioun gevin in the last Assemblie to certane bretherne, to tak vp the deidlie feid betuix the Laids of Craigmyller and Edmestoun : In respect the said brether hes taken alreddy travells therin, the Assemblie hes willit thame to profecuit forder that purpos, and to report to the nixt Assemblie.

Anent the commissioun gevin to the Presbitrie of Irwing, to try the Presbitrie of Hamiltoun, and to report conforme to the tenour of the last Assemblie : In respect is vnderstand to the said Assemblie, not as git the

faid commiffioun is not execut, thairfor of new the faid Kirk hes renewit the faid commiffioun to the brether appointit therin of befor, and ordaines thame to execute the famyn betuix and the nixt Affemblie, as thay will anfuer.

For reiding of bills and queftiouns presentit in this Affemblie : The Kirk hes nominat Mr James Nicolfoun, Mr Nicol Dalgleifche, Mr James Meluill, Mr Gilbert Gairdin, to conveine euerie day at tua hours in the Kirk, and to fycht the bills quhilks ar pertinent to the Affemblie, for remiting sic as be pertinent to the full Affemblie.

The Kirk and Commiffioners present hes gevin full power and commiffioun to thair rycht honorabill and thair lovit bretherne vnderwritin, thay ar to fay, the Lairds of Abotifhall, Wedderburne, and Mercheftoun, Johne Arnot, William Lytill, fumtyme Proveftis of Edinburgh, and Clement Ker, burges, fumtyme Baillie therof, to present to his Majeftie and Nobilitie now appointit to conveine at Edinburgh, the xxvij day of this infant, the articles and petitiouns of the Kirk, and to crave and travel that the famyn may be grantit ; and gif neid beis, to reffoune and confer thervpoun, or quhat beis done herin to report to the nixt Generall Affemblie.

Seffio 4<sup>a</sup> 25 Aprile.

The Commiffioners vnderwrytin presentit thir Articles following to his Maieftie and Counfell, viz. the Lairds of Abbotfhall, Wedderburne, and Mercheftoun, John Arnot and William Litle, sometyme Provefts of Edinburgh, and Clement Car, Mrs Robert Bruce, Patrick Galloway, James Nicolfoun, and Walter Balcanquell.

Followis the tenour of the faid articles.

First, Seing the increafe of Papiftrie is daylie within this realme, it is craveit of his Majeftie, that all Papifts within the fame may be punifhit according to the laws of God and the realme.

Item, That the act of Parliament ipfo facto may ftrike vpon all maner of men, landit and vnlantit, constitute in office or vtherwayes, of quhat fort [foever] they be, as weill as the famen is provydit to ftrike aganis benefic perfons.

Item, That ane declaratour may be givin against Jesuites, Seminarie Preists, and trafficking Papists, declaring them culpable of treason and lese Majestie, quherby the receipters of such persons may be punischt according to the act of Parliament; and that reformation may be had of the said act in that pairt, quher the samein is only extendit against such persons as receipts them be the space of three dayes; and that the penaltie of the act may be inflictit against any receipters without any condition of dayes.

Item, That all sick persons as the Kirk shall find and declare [publickly] to be Papists, although they be not excommunicat, be debarrit from brooking any office within the realme, as also from having acceffe to his Majesties companie, and from injoying any benefite of the lawis; as also that the paine of horning, and vther civill paines, may follow vpon the said declaratour, sicklyke as presentlie followis vpon the sentence of excommunication; and that ane act of Counsell presentlie be made and publischt therevpon, quhill the nixt Parliament, quher the samen may be established in ane law.

Item, That his Majestie will confidder the great prejudice done to the haill Kirk be erecting of the teinds of diverse Prelacies in temporalitie, as of the Abbay of Paisly and fundrie [others,] be the quhilk the planting of Kirks is greatlie prejudgeit; and that, therfor, ane substantial ordour be tane for remeid therof.

Ordaines directour of Sanct Androis, Mr Robert Wylkie, Mr Robert Pont, Mr Thomas Buchannane, and Mr Johne Johnestoun, or ony thrie of thame, to vesit the tennour of the foundatioun of the new College to be erectit be the Erle Marischell in Aberdeine, and to gif thair oppvnioun of the same to the bretherne, that the said fundatioun may be ratefeit be the said haill Assemblie, being fund meit and expedient.

Ordanes Mr Robert Hepburne, Mr James Meluill, and Mr Peter Blackburne, to vesit and sycht the buik of vesitatioun of the boundis of Orknay, presentit be Mr Robert Pont, and to gif thair oppvnioun to the Assemblie befor thay dissolue.

Foralsmeikill as the numberis of the Presbitereis within this realme and thair places wald be knawin, the names therof being inquiryrit, the full Assemblie and nvmer of the same wer gevin vp as followis, viz.

Ane Presbiterrie in Jetland callit Tingwall: In Orknay, ane, to wvt, Kirkwall: In Kaithnes, ane, viz. Thurso: In Sutherland, ane, viz.



Dornoch : In Ros, tua, Tane and the Channonrie : In Murray, four, viz. Inuernes, Forres, Elgine, and Ruthven : In Aberdeine, fyve, viz. Bamf, Deir, Inuerowrie, Aberdene, Kincardin : In Mernes, ane, Couway : In Angus, four, viz. Brechen, Arbroth, Megill, Dundie : In Dunkeld, ane, viz. Dunkeld : In Perth, Sanct Johnestoun, Dumblane : In Fyfe, four, viz. Sanct Androis, Cowper, Dumfermline, Kirkcaldy : In Stirling, ane, Lythgow : In Lowdiane, four, viz. Edinburgh, Dalkeyth, Haddingtoun, Dunbar : In Tueddall, Peblis : In Mers, tua, Chirneyfyd, Duns : In Teuiotdaill, tua, Jedburt, Melros : In Nethifdaill, ane, Drumfreis : In Galloway, tua, Kirkcudbryt, Wigtoun : In the Schirefdome of Air, tua, viz. Air, and Irwing : In Renfrew, Paislay : In Lennox Shyre, ane, Dumbartane : In Cliddifdaill, thrie, viz. Glasgaw, Hamiltoun, Lanerk.

Forfameikill as the visitatioun of the Presbitries vniverfallie throughout the haill realme, is thocht ane thing verry necessar, and fra diuers Assemblies commissiouns hes beine gevin to that effect ; nottheles ane necessitie git remaneing quhilk craveit the continewing of the said commissioun, the Kirk, therfor, and Commissioneris present hes gevin power and commissioun to thair louit bretherne vnderwritin, within the particular boundis respectiue following, that is to say, For Zetland, Thomas Swyntoun : For Orknay, Mr Robert Pont : For Sutherland, and Kaithnes, Mr Robert Pont and Mr William Pap coniunctlie : For Ros and the Channonrie, Mr Alexander Dowglas ; For Murray, Mr George Monro, Mr Andro Crumby, Mr Johne Robefoun : For Aberdeine, Mr Alexander Forbes, Mr Robert Arburthnet, Mr Andro Wyllie : For Mernis, John Durie, Mr Andro Keith : For Angus, Mr Robert Bruce, Mr Andro Meluill, and Mr James Meluill : For Perth, Dunkeld, Dumblane, and Stirling, Mr James Nicolson, Mr Nicoll Dalgleshe : For Fyfe, Mr David Lyndesay, Mr Robert Hepburne, and Mr Patrick Symfoun : For Lowthiane, Mr Andro Moncreif, Mr David Spence, Mr Andro Lamb : For Mers, Mr Adame Johnstoun, Mr James Carmichell : For Tiviottdaill, Mr William Methven, Johne Clappertoun : For Nithefdaill, James Hammiltoun, Mr William Hammiltoun : For Galloway, Johne Porterfeild, Mr David Barclay : For the Schirefdome of Air, Mr Johne Yong, Andro Knox : For Dumbartane, Renfrew, Glasgaw, Hamiltoun, and Lanerk, Mr Henrie Levingstoun, Mr Robert Wylkie, Mr Alexander Wreitoun : to vifet and try the doctrine, lyfe and conuersation, deligence and fidelitie, of the Pas-

touris within the saids Presbyteries ; and sicklyke to try gif ther be any of the beneficit number within the samein, not making residence, having no reasonable caus to purge the samein ; gif ther be any that hes dilapidat thair benefices, sett tackis, and made vther dispositiouns therof, by the consent of the Generall Kirk ; ony slanderous person vnmeit to serue in the Kirk of God, and vnhable and vnqualifiet to teach and edifie ; and, with advys of the Presbytrie within the quhilk the saidis persons ar, to proceed aganis them according to the qualitie of the offence, or vndispositiouns of thair offices, according to the acts of the Kirk : And that this visitatioun, tryell and examinatioun be compleit betuix and Michelmes nixt to cum, recommending to euerie Presbeterie, for shortning of the saidis Commissioners travells, ane diligent tryall amangis thame selfis be takin befor the Commissioners cuming, quherin thay may vnderstand and note the abuses quhilk wald be correctit ; commanding alsua the Presbyteries within the quhilks the saidis Commissioners remaines, to provyde for the saidis Commissioners flockis in thair absence in the said visitatioun.

*Acta Sessione quinta, vigesimo sexto Aprilis 1598.*

The Kirk and Commissioners present ordaines the parochineris of Sanct Androis to landwart, to big and edifie to themselves ane paroche kirk, in sick ane part as the saidis parochineris and Presbyteries aggrei vpon, narrest the middis of the paroche, betuix and Lambes cum ane zeir, according to thair suite maid to Parliament, and sicklyk to the Assemblie ; certifieing thame and they failzie, thay salbe debarrit fra ony benefeit of the Kirk of Sanct Androis.

Anent the kirkis in Orkney and Zetland : In respect it is considerit that for the nvmber of Illis ther, and that there is not stipend to everie particular kirk, quherby the pluralitie of kirkis serveing may be eschewit : thairfor the Kirk quhill the nixt Assemblie ordaines the saidis kirkis to be servet as thay ar presentlie, in respect of the present necessitie, and diuers vtheris impedimentis.

Ane supplicatioun to be gevin in to Parliament to reforme the delapidatioun of the leving foundit in the gramer scoole of Kirkwa, ordaining in the meane tyme the Commissioner, quha is appointit to visit the Presbiterie ther, with adwse of the same, to deprive the persoun quha hes delapidat

the same, in caice he restore not agane the said leving to the awin integretie.

The Generall Assemblie of the Kirk gevis full commissioun and power to the bretherne of the Presbiterie of Edinburgh, to call befor thame Adame Bischope of Orknay, and to charge him with the demolishing of the kirk of Birsa, to try gif he demolishit the same : And in caice he be found sa to have done, to charge him to repair the same, that the flok be not destitut of ane kirk ; vtherwayis to proceid aganis him, and to report thair proceedingis to the nixt Generall Assemblie.

Eodem die. Sessio sexta.

The Generall Assemblie of the Kirk haveing committit the sycht, reiding and considderatioun, of ane new foundatioun of ane Collidge to be erectit in Aberdeine be the Erle of Marischell, to certane lernit brether of the Assemblie maist expert in sick caiffes, and vnderstanding of thame that the said foundatioun and erectioun in substance is very guid and commendable : thairfor, and efter sum reffoning also in the matter, hes allowit, approwin and affermeit the same, according to the tennour therof in all thingis ; and ordanes this thair approbatioun to be gevin out, and act to be maid thervpon.

Memorandum. To insert the supplicatioun of the Laird of Grenok quhilk is lyand in the pok.

Names of excommunicat persons gevin vp be the brether.

Alexander Ramsay, brother to the Laird of Dalhowfie ; Alexander Creychtoun of Newhall, elder, bayth within the Presbiterie of Dalkeyth ; In Leingar parochin, Thomas Donaldsoun, for dowbill adultrie ; In Campsie parochin, William Aikin, for adultrie ; In Levingstoun, Andro Stirling, for slauchter of vmquhile Johne Adame ; Thomas Kincaid, for slauchter of vmquhile Luk Sterling in Cadder ; Thomas Blar in Boctay, for thriefald fornicatioun and disobedience, lyand vnder the sentence of excommunicatioun thir four geiris bygane ; In Glasgou, Matho Heriot, for slauchter of vmquhile Andro Ros ; Gilbert Inglis, for slauchter of vmquhile Samuell Hamiltoun, sone to the Laird of Prestoun ; Archibald Vduart for the slauchter of vmquhile David Ramsay, potter, and Adame Ramsay, his sone ;

Archibald Hegate, for dowbill apostasie, efter he had first put handis in ane Minister, sua thrife excommunicat; Sir Henrie Ofwald, within the parochin of Strageith, excommunicat for papestrie, be Mr James Burtoun in Peblis, the fourt of Marche 1592; Sir William Blakwod in Dumblane, excommvnicat for papestrie; Robert Clerk in Ochterardour, excommunicat for incest with Elspet Scot, be Mr Johne Bondronne, Superintendent of Fyff; Hew Barklay, Laird of Ladieland, apostat; James M<sup>c</sup>quirrtie, Vicar of Kinkarth in Boit, excommvnicat apostat.

Names of Kirkis vacand in Angus and Merns :

Inchstoir, Abernyt, Innergourie, Logedundie, Lundy, Streikmarteine, Inneraritie, Bendoquhy, Ruthven, Glenyla, Glamis, Effe, Cloday, Lyntrathin, Athie, Methie, Tannardais, Aldbar, Inchbraik, Newdesk.

Kirks within the Synodall of Glasgaw vnprovydit :

Kilmaronnok, Killarne, Balfrone, Strablane, Cardros, Inchcalzell, Baldernock, Paislay.

The Kirks provydit with men, bot wanting stipend be vertew of the lait erectioun of the teindis of the Abbacie of Paislay in temporalliteis :

Hammiltoun, Glaffurd, Stennous, Blantyre, Schottis, Dalferff, Lanrick, Pettenone, Tankertoun, Robertoun, Bigger, Crawford Johne, Crawford Lyndfay, Dolphingtoun, Covingtoun.

The names of the Kirks vnplantit within the bounds of the Mers :

Lammertoun, Fischirwiche, Swintoune, Symprene, Hourden, Fogo, Greindlay, Stitchell, Nenthorne, Hwme, Baffenden, Ednem, Cranschewis, Ellem.

Kirkis vacand within the Presbiterie of Dumblane :

Abirfuill, Kilmahuge, Callendar, Leny, Port, Kilbryd, Balquhidder, Comrie, Tullicheddilly, Sowan, Menivard, Stragethe, Kinkell, Abiruthven.

Kirks vnplantit within the Presbietrie of Dunkeld :

Straphillan, Killin, Ardrum, Inchechadden, Vemis, Pitcharene alias

Grantilly Kirk, Brenmore, Kilchonnane, Murtrigan, Rannoch, Strowand, Blair in Atholl, Ludefkil, Manenok, Fos, Muline, Finlarg, Mennoche, Doualie.

In the laich land : Logybryd, Ochtingawin, Kinclevin, Capeth, Loch-indy, Blair in Gowrie, Glenfchie.

Kirks vacand in Cathnes : Thurfo, Wick.

In Orkney : the Southamtoun Kirk, North Rannaldfy.

In Zetland : Auchindenrie, Burra, Bressly, Nessing, Lunastig, Olnafirth.

Names of the persons quhilks ar to enter in the Ministrie.

Mr Andro Mortoun, Mr James Spalding, Mr David Balcome, Mr David Lyndfay, Mr James Eliot, Mr Johne Young, Mr Bartle Robertfoun, Mr John Dwrie, Mr Johne Ogilbie, Mr Charles Walwod, Mr George Vishard, Mr Adame Walker, Mr William Simfone.

Anent the summonds direct be the brether of the Presbiteries of Glasgow aganis Claud Commendatour of Pailay and his Laidy, to compeir in this Assemblie this day, with continuatioun of dayis, to ansuer for the sacriligious bereving of the Kirk in erecting of the haill rents alswell teinds as vther in ane temporalitie, as the summonds dewlie execute beirs ; quhilk being callit afor and efter noone, nane compering, the Kirk superfedit thair proceeding this day, quhill thay sie gif ony zit compeirs to ansuer.

Acta Sessio 7<sup>a</sup> 27 Aprilis 1593.

In presence of the haill Assemblie, compeirit Schir James Meluill of Halhill, ane of the Commissioneris specialie direct be his Majestie to compeir in his Hienes name as commissioner, and presentit his Majesties missiue direct to that effect, with certane articles, and ane act of Parliament for instructing therof, quhilk the Assemblie thocht meit priuatlie to be considerit be certane brether, quha wer appointit to confer with his Majesties Commissioner, and to that effect wer depeschit out of the Assemblie to advyse and gif thair opinioun at thair returne, to witt, Mr Robert Bruce, Mr Robert Pont, Mr Andro Meluill, Mr James Nicolson, Mr Peter Blackburne, Mr James Meluill, the Laird of Cammo, and Commissioners of Edinburgh :

Quha returning, red the articles and thair anfuers, quhilk the Kirk approuit; ordaining the saids articles, anfuers therto, and act of Parliament to be registrat in the Register of the Kirk; quherof the tenour herin is sett down as followis :

The Articles proponit in his Majesties name to the Generall Assemblie, presentlie conveyit at Dundie.

His Majestie declares, that in respect he cannot of honour be the priviledge of his crowne hurt, therfor he will have regard to have the act of his last Parliament keipit concerning the conveying of Generall Assemblies be his Majesties appointment; willing them heirfor, befor thair skailing, to direct two or thrie of thair number vnto him, to desyre him to appoint the day and place of their nixt conveying.

Secondlie, His Majestie desyres them to make ane Act of thair Assemblie, prohibiteing all and everie ane of the Ministrie, vnder the paine of deprivation, to declaime against his Majestie or Counsells proceedings, in pulpitt, not only in respect of his Majesties knawin good intention for the furth setting of pietie and justice, bot lykeways because his Majestie at all tymes gives readie acceffe and loving eare to fundrie of the Ministers, to informe, dilait or complaine, either in their awin name or in the name of any of the rest of the brether.

Thirdlie, His Majestie desyres them to appoint and put on leit, fyve or fixe of the discreitest of the Ministrie, that his Majestie may make choise of twa of them to serve in his house, in respect of Mr Craig his decripit age.

Fourthlie, Seeing that the standing of the religioun and the weifare of his Majesties person are so vnseparablie joynit, as quhofoevir are enemies to the ane are comoun enemies to both; so his Majestie desyres, that through all the Presbitries of this countrey, ther salbe some appointit to advertise and informe his Majestie heirafter, with diligence, for the more speidy remedie, not only of quhatfumevir practises they can learne, in any wayes, of Papists and Spanisch factiouns, but also of the receipts and practises of Bothwell, quherof they can have any knowledge; whose heale courses, as they are directly aganis his Majesties persone, so whollie they tend to the subversiou of the whole religioun: With directioun also to them to informe the haill Barrons, and honest men most tenderers of his Majesties

welfare, to give ever such faithfull intelligence of the saids practises as they can learne from tyme to tyme.

Fyftlie, His Majestie defyres, that through all the countrey, quher ther is any ports or landing places, that ther be some of the brether speciallie appointit to deale so with the burghes, that they may take good and sufficient tryall, according to his Majesties law made theranent, of all these quho fall heirafter come in, or passe furth of this countrey, quherfra they are come, or quherto they are bound ; quhat is thair trafique and intention to doe : and fwa after good and sufficient tryall, if ther be any thing of weght and importance, that they on na wayis faile to make his Majestie acquaint therwithall, to the effect his Majestie may the more easilie discover quhatsumevir forraine or civill practises is or falbe in heid aganis the present state of the religioun : And this he craves to be done so faithfullie, as he hes good opinioun of your earnest affectioun, no less in the preservatioun of his Majesties awin person as in the defence of the comoun cause ; as also he promises to aide and assist you in all [and] quhatsumevir your good resolutiouns, that may tend to the furtherance of peace and quyetnes ; with the advancement and maintenance of the religioun presentlie profest in this realme.

Humble anfuers of the Generall Assemblie to the Articles proponit be his Majesties Commiffioners to the same, at Dundie the 27 day of Apryle.

First, The Article concerning the conveyeing of the said Generall Assemblie is aggried vnto, according to the tenour of the act of Parliament presentit with the saids Articles.

As twiching the second Article, It is ordainit be the hail Kirk, that no Minister within this realme vtter from pulpitt any rasch or vnreverent speaches aganis his Majestie or Counsell, or thair proceedings ; but that all thair [publick] admonitiouns proceed vpon just and necessar causes and sufficient warrand, in all feare, love and reverence, vnder the paine of deposing such as dois in the contrair, from thair functioun and office in the Ministrie.

As to the 3 Article, The Kirk aggries therto, and speciallie anent the provisioun of Ministers ane or mae to his Majestie ; that certaine be nominat be the Commiffioners direct to his Grace be his advyce, of quhom his

Majestie may make choise : and the brethren to be lykit of his Majestie, to be placit and admittit be the Presbytrie quher his Grace salbe resident for the tyme.

As concerning the 4 and 5 Articles, The samein are condiscendit to and ordour takin, as his Majestie salbe particularlie informit be the saids Commissioners.

Follows the tenour of the Act of Parliament.

In the Parliament haldin at Edinburgh, the 5 day of Junij 1592 zeirs, our Souerane Lord and Estaittis of this present Parliament, following the lovable and gude example of thair prediceffouris, Hes ratifiet and apprevis, and be the tennour of this present act, ratifies and apprevis all liberties, priuileges, immynities and fredomes quhatsumeir, gevin and grantit be his Hienes, his Regentis in his name, or onie of his prediceffouris, to the trew and hally Kirk presentlie establisht within this realme ; and declairit in the first Act of his Hienes Parliament, the twentie day of October, the geir of God ane thousand, five hundreth, three-scoir ninetene gieris ; and all and whatsumeir actis of Parliament, and statutes maid of befor, be his Hienes and his Regentis, anent the libertie and fredome of the said Kirk : and speciallie the first act of the Parliament halden at Edinburgh, the twentie foure day of October, the geir of God ane thousand, five hundreth, and four scoir ane gieres, with the haill particulare actis thairin mentionat, Quhilk fall be als sufficient as gif the samyn wer herin exprest ; and all vther actis of Parliament maid senfyne, in favouris of the trew Kirk ; And siklyk, ratifies and apprevis the Generall Assemblies appoynted be the said Kirk ; and declairis, that it salbe lauchfull to the Kirk and Ministrie everilk geir, at the leift, and after pro re nata, as occasioun and necessitie fall require, to hald and keip Generall Assemblies : Providing that the Kingis Majestie, or his Commissioner with thame to be appoyntit be his Hienes, be present at ilk Generall Assemblie befor the dissolving thair of, nominat and appoint tyme and place, quhen and quhair the nixt Generall Assemblie salbe haldin : and in caise nather his Majestie, nor his said Commissioner, beis present for the tyme in that toun, quhair the said Generall Assemblie beis haldin, Than, and in that caise, it salbe lesum to the said Generall Assemblie, be themselffis, to nominat and appoynt tyme and place, quhair the nixt Generall Assemblie of the Kirk salbe keipit and haldin, as



they haif bene in vse to do thir tymes bypast. And als ratifies and apprevis the Sinodall and Provinciall Affemblies, to be haldin be the said Kirk and Ministrie, twyis ilk geir, as they haif bene, and ar presentlie in vse to do, within euery Province of this realme; And ratifeis and apprevis the Presbyteries, and particulare Sesshionis, appoyntit be the said Kirk, with the hail iurisdiction and discipline of the same Kirk, aggreit vpon be his Majestie, in conference had be his Hienes with certane of the ministrie convenit to that effect: of the quhilkis Articles the tennour followis.

Materis to be intreatit in Provinciall Affemblies: Thir Affemblies ar constitute for wechtie materis, necessar to be intreatit be mutuall consent and assistance of brethrene within the Province, as neid requyris. This Affembly hes power to handle, ordour, and redresse, all thingis omittit or done amisse in the particulare Affemblies. It hes power to depose the office beraris of that Province, for gude and just causeis deserving deprivation: And, generallie, thir Affemblies hes the hail power of the particulare Elderschippis, quhair of they ar collectit.

Materis to be intreatit in the Presbyteries: The power of the Presbyteries is to give diligent labouris in the boundis committed to their charge, That the Kirkis be kept in gude ordour; To enquire diligentlie of nauchtie and vngodlie personis, and to travell to bring thame in the way agane be admonitioun, or threatning of Goddis jugementis, or be correctioun. It appertenis to the Elderschip, to tak heid that the Word of God be purlie preachit within thair boundis, the Sacramentis richtlie ministrat, the Discipline intertenyt, and the Ecclesiasticall guidis vncorruptlie distributit. It belangis to this kynd of Assembleis, to caus the ordinances maid be the Assembleis, Provinciallis, Nationallis, and Generallis, to be kept and put in executioun; to mak constitutionis, quhilkis concernis το πρεπον in the Kirk, for decent ordour in the particulare kirk quhair they governe; Provyding that thay alter na rewlis maid be the Provinciall or Generall Affemblies: And that they mak the Provinciall Affemblies foirsaidis, privie of the rewlis that they fall mak, and to abolishe constitutionis tending to the hurt of the same. It hes power to excommunicat the obstinat, formale proces being led, and dew intervall of tymes obseruit.

Anent Particulare Kirkis, Gif they be lauchfullie rewlit be sufficient ministeris and sessioun, they haif power and jurisdiction in their awin Congregation, in materis Ecclesiasticall. And decernis and declairis the said Assembleis, Presbyteries, and Sessiounes, Jurisdiction and Discipline thair of

foirsaid, to be in all tymes cuming, maist iust, gude, and godlie in the selff, Notwithstanding of quhatfumeuir Statutis, Actis, Cannon, Ciuile, or Municipal Lawes, maid in the contrair ; To the quhilkis and every ane of thame, thir presentis fall mak expres derogatioun :

And becaus thair ar diuers Actis of Parliament, maid in favour of the Papistickall Kirk, tending to the preiudice of the libertie of the trew Kirk of God, presentlie professit within this realme, iurisdiction, and discipline thairof, quhilk stands git in the buikis of the actis of Parliament, not abrogat nor annullit : Thairfoir his Heines and Estaittis foirsaidis hes abrogat, cassit, and annullit, and be the tennor heirof, abrogatis, cassis, and annullis all Actis of Parliament maid be ony of his Hienes Predeceffouris, for maintenance of superstitioun and idolatrie, with all and quhatfumeuir Actis, Lawes, and Statutes, maid at ony tyme, befor the day and dait hereof, aganis the libertie of the trew Kirk, iurisdiction, and discipline thairof, as the samyn is vsit and exerceisit within this realm.

And in speciall, that pairt of the sevint act of Parliament halden at [Streviling, the fourt day of November, ane thousand four hundredth, fourty three] geiris, commanding obedience to be gevin to Eugin the Pape for the tyme.

The j<sup>e</sup> and xj act made be King James the thrid, in his Parliament haldin at Edinburgh the twenty fourth day of Februar, ane thousand, four hundredth, fourscor thrie geirs ; and all utheris actis quhairby the Paipis authoritie is establisht.

The 47 act of King James the third, in his Parliament haldin at Edinburgh, the [twenty day of November, ane thousand, four hundredth, three scor nine] geiris, anent the Satterday and uther vigillis to be hally dayes from Evin sang to Evin sang.

Item, That pairt of the 31 act maid be the Quene Regent, in the Parliament haldin at Edinburgh, the first of Februar ane thousand, five hundredth, fifty ane geiris, Geving speciall licence for haldin of Pashe and Zule.

Item, The Kingis Majestie and Estaittis foirsaidis declairis, that the secund Act of the Parliament haldin at Edinburgh, the xxij day of Maij, the geir of God ane thousand, five hundredth, four scoir, four geiris, fall naways be preiudiciall, nor derogat anything to the priuilege that God hes gevin to the spirituall office beraris in the Kirk, concerning headis of religioun, materis of heresie, excommunicatioun, collatioun or deprivation of min-

ifteris, or ony fik effential cenfouris, fpeciall groundit, and havand warrand of the word of God.

Item, Oure laid Souerane Lord, and Estaittis of Parliament foirlaidis, abrogatis, callis, and annullis, the XX aēt of the fame Parliament haldin at Edinburgh, the laid geir, ane thousand, five hundredth, fourfcoir, four geiris, granting commiffion to bifchoppis and vtheris iuges, conftitute in ecclefiasticall caufes, to reffauē his Hienis prefentatioun to benefices, to gif collatioun thairvpon, and to put ordour in all caufes ecclefiasticall: quhilk his Maieftie and Estaittis forefaidis, declairis to be expyrit in the felf, and to be null in tyme cuming, and of nane avall, force, nor effect. And thairfoir ordainis all prefentationis to benefices, to be direct to the particular Prefbiteries, in all tyme cuming; with full power to thame to gif collationis thereupon; and to put ordour to all materis and caufes ecclefiasticall, within thair boundis, according to the difcipline of the Kirk: Providing the foirlaidis Prefbiteries be bund and affrietit to reffauē and admitt quhatfumeuir qualifiet minifter prefentit be his Maieftie, or vther laic patrounes.

Ordanis the Prefbitries quhilk as zit hes not gottin in the voluntare contrubutiouns within thair bounds appointit for the Kingis garde to travell diligentlie therin, and quhat beis reffaut to caus be fend to Edinburgh to Alexander Lawfon, with the names of fik as refusis, and maks not payment betuix and the laft day of May nixtocum.

As to James Anderfon

xv merkis, his

the Minifter of Dundy xxiiij ti, Mr Wm Methven for Dwms xxij ti, and laft ordans thame to caus the fame be deliuerit to the laid Alexander.

Anent the fupplicatioun of the paroch of Derfy.

(Tak in the bill and anfuer.)

Ordaines fupplicatioun to be maid in Parliament, that in all kirkis, alfwell Abbay and Cathedrall Kirks, as vtheris quhatfumever, quher ather the haill parochin is kirkland, or ane part therof onelie, and ther has beine nather manfe nor gleib knawin to apperteine therto of auld, or gif ther hes beine ony, and the fame nocht extendis to fowre aiker of land, That the Estaits of the Parliament mak the aēt afor concerning the designation of manffes and gleibis to be extendit to all the forfaid kirkis, and that ther be four aiker of kirk land designit and grantit to the Minifter maift commodious and eweft the kirk, quhidder ther hes beine na gleib ther or not, or ane part onelie, not extending to four aiker of land.

The Generall Assemblie of the Kirk gives full power to the rycht honorabill George Erle Marfchell, the Laird of Doune, zonger, the Laird of Cors, elder and younger, the Proveft of Aberdeine, Allexander Rutherford, Allexander Cullane, burgefs ther, Mr Andro Meluill, Rector of Sanct Androis, Mr Robert Pont, Mr Daud Lyndfay, Mr Peter Blackburne, Mr Daud Cwnynghame, Mr Johne Johnestoun, Mr Thomas Buchannane, Mr Johne Spottifwod, Ministeris of the Evangell, Mr Robert Wylkie, Principall of Sanct Leonards, or to the maift part of the faid bretherne, to conveyne togidder, and vifit the Colledge of Auld Aberdeine, ther to try and examine the doctreine, lyfe, and deligence of the Maifteris therof; difcipline and ordour vfit be thame; as als the ftait of the rent of the faids Colledges: And quher thay find abuis, fa far as thay may poffible, to reforme; remittand to the Assemblie fick thingis as thay can not, to be takin ordour with be thame: and this tryell to begin the laft day of Auguft nixt; ordaining, in the meane tyme, that quhill thair cuming that na novatioun be maid ather be fetting of new takis, confermeing of auld, or electioun of ony new Maifter; and all things to ftand ower in the eftait thay ar in presentlie: firme and ftable halding and for to hald all and quhatfumever the faids brether or maift part of thame in the premiffes laufullye to be done: and ordaines thair proceedingis to be reportit to the nixt Generall Assemblie of the Kirk.

*Acta Sessione octava, Eodem die.*

Anent the provifioun of the Kirk of Lucheris: In respect the haill Assemblie hes nominat Mr Johne Kynnier to be presentit to the faids parochineris be the Presbiterie of Sanct Androis to be thair Pastour, and to be tryit in doctrine, lyfe and converfatioun; and gif the faids parochiners hes na juft of his refuffall, to be admitit be the faid Presbiterie to the miniftrie of the faid kirk.

Anent Colledges and rentis therof: The Assemblie hes ordaneit that na difpositioun of the leving and rentis therof, be tak or vther titile, be maid without the adwyfe and consent of the Assemblie Generall, vnder the pane of depofitioun of the perfouns doing in the contrair.

Anent the refidence of Ministeris: For furthering of the refidence of fik Pastours as for lack of manffes are not refident, it is refoluit and aggreit

that every parochin, quher the Pastours manse is owther rowinous or altogether laikes, be ordainit to repare and build the samein manse vpon thair awin expenses, with stane, timber, and all vther materialls, workmanschip, cariage, and vther things neidfull for the repairing and bigging therof; quhilk if they failzie and refuse to doe, being dewlie requyrit, they fall not only, so many as refuses, be haldin be the Kirk the haille cause of thair Pastours non residence, bot also it salbe lafull to the aires, executours and assignays of the Minister or Reider departing, or himselfe during his tyme, to retaine the possessioun of the mans buildit be him, in cace he build the samein vpon his awin expenss after the refuseall of the parochiners, ay and quhill the [next] intrant Minister or Reider refund to him, his aires, executours and assignays, the haille expenss made be him for repairing and building, at the leist so mikle therof as the parochin cannot be movit to refund; and that the Presbytrie, at the intrants admissioun, fall take ordour for the performance [heirof]; provyding that the expenss [to] be made be the said Pastour or Reider exceed not foure hundreth marks; and that the Presbytrie, after the repairing or bigging of the said mans, tak the exact tryall and compt of his [said] expenss, and give him thair allowance therevpon, to be registrat in thair bookes: And this act to extend to them asweill that are alyve and hes alreadie biggit, as to them that are to bigge and repaire heirafter. And lykewayes the second and thrid Minister or Reider, and consequently the successours to the Ministers quher the mans is biggit, fall have the lyke title to crave of the intrant after him the saids expenss, quhilk he hes depursit to his predecessours, ay and quhill the parochiners redeime and outquyte the said mans or biggings therof, to be made frie thereafter to the intrant Minister or Reider.

Ordaines Mr Samell Chalmer to report the ansueris of the Kirk to his Hienes articles.

Anent the visitatioun of the buik of deligence produceit be Mr Robert Pont concerning his visitatioun of the bounds of Orkney, Zetland &c.: The bretherne appointit to fichting therof, reportit thay had found great deligence vsit be him, and all thingis orderlie proceedit in vsing his said commissioun; and therfor the said Assemblie approveit his saids labouris and all things done be him in the said visitatioun, and speciallie in deposing of the perfouns not making residence.

Anent the proces produceit be the Presbiterie of Stirling concerning the mater of the parochiners of Eglishame: The Kirk ordaines thair

brether, Mr Robert Pont, Mr Andro Meluill, to visit the proces and gif thair judgement to the Affemblie the morne at meiting.

Ane writting being presentit in the behalf of my Lord Sempill, haveing creadit gevin to him therin : The Affemblie ordainit his creadit to be commwnicat to the brether of the Conferance the morne.

In respect the Kingis Majestie his Commiffioner is to depart for certane adois, thairfor the Affemblie, in his presence, hes appointit thair nixt Generall Affemblie to be at Edinburgh the first Twysday of May cum ane geir.

*Acta Sessione nona, octauo Aprilis 1593.*

Anent the supplicatioun presentit to the Affemblie be the Laird of Vrie, and Hary Drummond, burges of Aberdeine, desiring ane continewatioun of tyme to confer with bretherne, and to be resolueit with the heids of religioun, that thereafter they may subscriybe the Confessioun of Fayth ; and siclyk, anent the fuite maid be Mr Thomas Menzeis, burges of Aberdeine, to reslave his confessioun and subscryptioun of the articles of religioun presentlie professit within this realme : The said Affemblie and Commiffioneris present haveing advysit therwith, hes ordinet the saidis persouns to resort to the bretherne of the Presbiterie of Edenburgh, to confer and be resoluit in all doutis they have concerning the said religioun ; and being resoluit, to satisfie the said Presbiterie in all things, according to the ordour to be takin be thame, to quhome the Kirk gevis power to tak ordour theranent ; and in caice they satisfie the said Presbiterie, as said is, that they gif to thame ane testimoniall of thair satisfactioun ; cautioun alwayis being first takin befor the Kings Majestie and his Counsell for performeing of sick thingis as they fall promes and subscriyve to do to the said bretherne : and that ane writing be direct frome this Affemblie, informand the Erle Merschell of thair proceedingis heirin.

Anent the proces deduceit be the Presbiterie of Stirling in the mater concerning the parochiners of Eglisshame and Mr Andro Boyd : The Generall Affemblie of the Kirk hes ordinet and ordaines that thair brether John Porterfeild, and Mr Andro Knox travill earnestlie and effectiouselie, in name of the haill Kirk, with the Maister of Eglintoun in fauouris of the said Mr Andro, that, gif it be possible with his guid will and fauour,

the said Mr Andro may serve at the Kirk of Eglisshame, but trubill or impediment to be maid to him in ony fort, and that with all guid deligence : And in caice the Maister can not be moveit heirto, that the said breither mak intimatioun of his refussell to the bretherne of the Presbiterie of Edinburgh, to quhome the Kirk gevis power to tak ordour therin as thay fall find best for the weill of the Kirk and the glorie of God.

Forfamekill as ther is ane Parliament to be haldin shortlie in Junij next, quhervnto many thingis concerning the Kirk ar to be proponit, and that the full Assemblie can not be conveynit therto, in respect of the Assemblie now haldin ; thairfor the haill Assemblie hes ordanit that ane broder or tua be direct from everie Presbiterie within this realme, to conveyne the tyme of the Parliament in the place quher the same salbe haldin, to consult, treit, refone and conclud, vpon sik heids, articlis, petitionis, and supplicatiouns, as thay fall think meitt to be craveit and concludit be consent of Parliament, for the glorie of God, and for the well and confort of his Generall Kirk within this realme : Quhilkis bretherne fall have the power of the said Generall Assemblie, and proceid as the same mycht do gif the haill number wer present.

The quhilk day, efter the reasouns war hard and discuffit, contenit in the appellatioun presentit to the Generall Assemblie be Mr Andro Young, Minister at Dumblane, the Generall Assemblie ordanes the Presbitrie of Dumblane to be transportit to Ochterardour, with libertie to the bretherne of Dumblane appealing to resort ather to Auchterardour or Stirling, as thay pleis ; provyding alwayis, that in caice the gentill and nobill men quha hes subscryvit to assist the Presbitrie in Auchterardour, or vthers that fall happin to subscryve the same heirefter, gif instructioun to the bretherne to compleine of breking thair promeis ; and forder, in caice the Kirk of Auchterardour be not repaired sufficientlie betuix and the nixt Generall Assemblie ; or in caice ane sufficient stipend be not provydit for ane Minister, that he may mak residence at Auchterardour with manse, gleib : In thir caices or ony of thame, the Presbitrie salbe reestablisht in Dumblane ; and ordanis the Presbyteries of Stirling and Perth to establishe the said Presbiterie in Auchterardour vpon Thursday cum xv dayis, and constitute the samyn of the kirks containit in the roll of the Synodall Assemblie ; libertie being alwayis referuit to the breder of Dumblane, quhidder thay will cheis to be of the Presbitrie of Auchterardour or Stirling.

Forfamekill as in the Synodall Assembles the buiks of particular Presbi-

tereis are tryit and visitit; and heirtofor the buiks of Synodall Assemblies hes not beine tryit in the Generall, quhilk appeirit to the haille breder to be necessar: Thairfor it is concludit, that, in tyme cuming, to everie Generall Assemblie the buiks of the Synodall Assemblies shalbe direct be the Synodallis, to be sychtit and considerit in the Generall Assemblie, for vnderstanding the better of thair proceedingis, vnder the pane of the fen-four of the Kirk.

Anent the actis of the Kirk: That everie Presbitrie may be the better instructit therin, the Kirk hes ordinit Mr James Carmichell, quha hes alreddie tane sum paneis in correcteing thereof, to perfyte the work, and to present the same to the next Generall Assemblie of the Kirk.

The General Assemblie of the Kirk gevis libertie to transport Mr Henrie Guthrie fra the Kirk quher he serves to ony vther kirk within thair bounds quher his giftis may be best imployit; and in caise thay do not the same, gifis libertie to the Presbiterie of Angus and Mearns to transport him to ane kirk within thair bounds, with his awin advyse.

Anent contraverseis betuix the bretherne of the Ministerie: For vptakin therof, it is resoluit and concludit be the haille brether and Commissioneris present, that quher ony pley or contraverfie arryis betuix tua brether of the Ministerie, thocht it be in ciuill materis, gif thay bayth be of ane Presbiterie, that thay elect breder of the said Presbiterie, to quhat nvmber thay think best, quha shal chose ane ouirman, and summerlie defyde and gif sentence in the mater, quhilk shalbe irrevocabill, and na appellatioun to be interponit therfra: And gif thay be of diuerse Presbitereis, that thay lykwayis mak electioun of bretherne of ather of the Presbitereis in equall nvmber, as the saidis contendents shal aggrie; quhilk breder shal electit shal cheis ane ouirman, and defyd and gif sentence, as said is, fra the quhilk na appellatioun shalbe interponit; and gif ony broder wilbe wilfull and refus this forme and submissioun, he shalbe haldin be the Kirk contumax. And that this act be put in executioun presentlie for decisioun of the contraverfie betuix James Anderfoun and Mr Henrie Guthrie.

The Generall Assemblie hes gevin commissioun and expreis command to the bretherne of the Presbiteries of Glasgou and Paislay, with all possible diligence, efter the disolwing of this present Assemblie, to charge Robert Lord Semple to separat and divyd fra him and out of his bounds, viz. out



of Cunnyngname and the Schireffdome of Ranfrow, Helene Drummond, adultrix; and that in caice the said Lord be tryit to be fund in suspect place with the said Helene in any tyme cuming, athir within or without his bounds, or scho not to be removet, as said is, the saids Presbitereis to proceed aganis the said Lord and Helene to excommunicatioun, and pronounce the said sentence aganis thame bayth, vpon their disobediencie, the samyn being tryit ordourlie befor the saids Presbitereis: as also that the saidis Presbitereis proceed in forder tryell of the saids Lords apostacie, and contempt of the Word; and fynding him gilty to injoyne sic discipline him as may remove the sklander, and to command him to obey and fulfill the same, or ellis vpon his refussell to excommunicat him.

Ordaines the Presbiterie of Perth to tak ordour for transporting of Mr James Row to sum vther kirk with his awin advyse, with the first opportunitie betuix and the next plat.

Anent the Ministerrie of Sanct Androis. Memorandum, The act is lyin in forme among the rest, quhilk shuld be registrat.

The Generall Assemblie of the Kirk, be the authoritie gevin to them be God &c. Memorandum, To insert the said act. It is lyin with the rest.

Forfameikill as in ansuering of billis gevin in vnto the Generall Assemblie often tymes for lack of knowlege of the stait of the compliments, ansueris ar gevin thairto reklelie to the preiudice of bretherne: thairfor for remeid therof in tyme cuming, that the Commissioners of tha parteis quherin the compliments ar maid, gif they be present, be callit be the breder appointed to the ansuering of the bills, for thair better informatioun.

Anent the Ministrie of Sanct Androes: The Generall Assemblie ordaines and appoints Mr David Black, Minister of Sanct Androes, to discharge the duetie of a laifull ordinar Pastour therin, in preaching the Word, ministratioun of the sacraments, and exercise of discipline, so farre as he is able to doe, according to the measure of his gifts that God hes beflowit on him: And to the intent that the said Mr David may, with fruit and confort, travell in the said ministrie, the said Assemblie ordaines the said Mr David to give in to the Presbitrie ther such things as he wald have furtherit and brocht to passe for the weill of the said congregatioun and ministrie therof, to the performance quherof the said Presbitrie sall indevore themselves to thair vttermost, having befor thair eyes the honour of God, the weill of the peiple and towne, and the ease and peace of thair awin

consciencies; vnto the quhilk Presbitrie this [present] Assemblie grants and committs thair full power and authoritie for that effect. And because the said Mr David is not able to entir in that charge alone, the said Assemblie hes nominat Mr Robert Wallace, for the speciall meitt qualities they know to be in him, to be associat with the said Mr David, as ane fellow labourer in the ministrie forsaide; givand full commissioun to the Presbytrie to try the consent of the haill towne and Vniversitie of Sanct Androes, concerning thair lyking of the said Mr Robert to be associat in the ministrie, as said is; and finding no reasonable cause [alledgit and] verified againis the said Mr Robert, in lyfe or doctrine, quherfor they sould not give thair consent and approbatioun to the said Mr Robert, for the cause mentionat, bot the most part of the towne and Vniversitie consenting to his refait, the Generall Assemblie ordaines [the said Presbitrie] to associat and place the said Mr Robert, fellow labourer in the ministrie of Sanct Androes, with the said Mr David Black; and the said towne of Sanct Androes to pay the said fellow labourer his stipend thankfullie, according to the promise made in Synodall and Generall Assemblies. And in cace the most part of the said Towne and Vniversitie consent not to the receiving of the said Mr Robert, the Kirk gives libertie to the said Mr David, with the advyce of the [said] towne, to choose ane brother of quhom they may both have lyking: And to the intent this ordour takin with the Ministrie of Sanct Androes as is above sett downe, may be the better performit and settlit, the said Assemblie gives commissioun to Mrs Robert Bruce [and] David Lindsay, conjunctlie and severallie, as thair adoies and occasiouns may permitt, to visite the said Kirk of Sanct Androes in thair returning from the Assemblie, and travell with the whole number of the said Kirk, for putting of thair ministrie to ane peaceable stay and ordour; as also to sie that quhilk is decernit in this Assemblie concerning the landwart, to be forderit and brocht to pas, and for quyeting the estate of the towne.

Mr William Cock, Commissiouner, for the Provest, Bailgies, and Counsell of the towne, diffassentit from the nominatioun of Mr Robert Wallace.

The Generall Assemblie, be the authoritie givin to them of God, discharges all and every Christian within the Kirk of Scotland, from repairing to any of the King of Spaine his dominiouns quher the tyrannie of Inquisition is vsed, for traffique with merchandice, negotiatioun, or exerce of

fea fairing occupatioun, vntill the tyme the Kings Majestie, be the advyce of the Counsell, hes socht and obtainit speciall libertie and licence from the King of Spaine for all his liegis and subiects, to traffique in merchandize, and occupie within the hail pairs of the said King of Spaine his dominions, without any danger to thair persone or guds, for the cause of thair religioun or conscience, vnder the paine of incurring the censures of the Kirk, untill the last sentence of excommunicatioun.\*

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\* The proceedings of this Assembly, with the exception of the two last articles, are printed from a Manuscript in the possession of the Very Reverend Principal Lee, which appears to be the original Minutes in the handwriting of one of the Clerks of the Church.

A. D. M.D.XCIV.

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THE Generall Affemblie of the Kirk of Scotland conveyit at Edinburgh, the 7 day of May 1594 zeirs.

Exhortatioun beand made be Mr David Lindefay, laft Moderatour, the Affemblie proceidit to the electioun of ane new Moderatour ; and appointing the leits, Mrs Andro Melvill, Patrick Galloway, Patrick Simfone, Robert Pont, the faid Mr Andro was chofen hac vice.

Seffio 2<sup>a</sup> 8 Maij.

The necessitie of the tyme, and affaires quhilk are to be intreatit, being confidderit be the Kirk, it was concludit that no brother having commiffioun to this Affemblie depart from the famein, befor the finall diffolutioun therof, without licence obtainit therfra vnder the paine of fufpenfioun from thair office, vntill they be reponit be faid Generall Affemblie therto againe.

And as concerning the penaltie of Commiffioners that comes not to the Affemblie at all, or remaines not quhill the end therof, ordaines the Register to be confidderit, quhat hes bein statute already, and to report afternoone.

Sessio 3<sup>a</sup> Eodem die.

Anent the citatioun of James Drummound, Oliver Jong, James Adie, Johne Reid, Patrick Justice, William Hall, indwellars of Perth, at the instance of the brethren of the Presbitrie ther, for the slanderous resetting of the apostats Lords within thair towne : The saids persons compeirand, and inquirit, If they receipt the saids Lords, and acknowledgit therein simplie ane offence done to God and his Kirk, ansuerit, They receipt them, bot against thair will, and for obedience givin to the Kings charge ; alwayes befor the comeing of the charge, the greatest part of the towne had condiscendit to receive them : and being urgeit with the promise they made not to receive them, and violatioun therof, ansuerit, That promise of assistance was made to them and not keipit. After quhilk ansuer, being removit, and certaine good brethren direct to conferre with them, and re-entring, they for themselves, and in name of the haill toun, confest to the glorie of God and satisfactioun of the Assemblie, that they were over rash and sudden in receiving such notorious enemies to God, desyring most earnestlie that no man be slanderit or take evill example therby ; protesting before God, they entrit in the towne againes thair hearts that are present heir, promiseing, be Gods grace, nevir to give occasioun in tyme comeing, and to assist and mantaine the true Kirk of God and his religioun profess publickly within this realme, and to resist the enemies and adversaries therof to the vttermost of thair power, and to obey and put in executioun, so farre as concernes thair duetie, the ordinances of the Kirk aggrieing with the Word of God : Quhilk professioun they gave in wryte, and subscrivit the samein with thair hands, so many as could wryte, in presence of the haill Kirk ; quherwith the brethren standing content, ordainit the Minister of the towne of Perth to publish the samein in pulpitt, and to declare the satisfactioun of the Assemblie theranent ; ordaining also the actis concerning this offence, registrat in the bookes of the Presbitrie, and processe deduceit therein against the towne, to be obliterated and put out of the Register.

Sessio 4<sup>a</sup> 9 Maij.

Anent the sentence of excommunicatioun pronouncit be the brethren of the Synodall Assemblie of Fyfe [in October,] against the apostat Lords : The haill Assemblie, in ane voyce, ratifies and avowis the said sentence, and proces of excommunicatioun led against them ; ordaining the haill Pastours within this realme, to intimat solemnlie at thair kirks the said sentence, that none pretend ignorance of the same ; except Alexander Lord Hooime, quho hes satisfied the Kirk, and is relaxit therfrom.

Forfameikle as particular inquisition hes been made of the Presbitries, concerning thair diligence for extirpation of Papistrie, discipline vsed against them, and receipters of excommunicats and Jesuites and Seminarie Priests, querthrow the danger evident to the true religioun and the Kirk of God may be rightly weyed, It was thocht meit to take a consideration of his Majesties indevore and of the haill Kirks forder in this matter ; quherin, first, findrie of his Majesties good ettlings were laid down, speciallie at the raid of Aberdein, quherin his Majestie, Noblemen and Barrons, conveyit, made a Band for [the] surety of religioun, tooke the houses of the apostates, and put men into them, callit such as were Papists, quhilk were sent to Edinburgh to satisfie, and commissioun givin be his Majestie to the Erle of Marschell of Lievetennandrie for repressing of Papists and traffickers.

Sicklyke diverse Barrons callit in be his Majestie to cognosce the same to be thair hand wrytes of the blankes subscrivit be the apostate Lords, quho verified the samein to be thair hand wrytes.

Item, After his returning from the said raid, ane act of Counsell made, that nane sould procure at his Majestie to any favour or grace to them, with ane charge to his Ministers to take the oathes of his domestickes, that they sould no wayes interceid for them at his hand ; quhilk was done.

[And as concerning the part of the Kirk in thir dangers : That it may appeare they have not bein ydle or negligent [in] craveing remedie, thair travells was considerit in this, that Commissioners from the Assemblie had proponit articles to the Parliament for forfaitour of the apostat Earles ; that petitions were directit from a Convention of Ministers and Barons holdin in Edinburgh, to the King when he was at Jedbrught, and again

from another Convention holden at Linlithgow; of all quhilk small successe hes bein, and the danger nothing diminifchit. C. & B.]

Followeth the tenour of the Band and Act above specified, [ordained to be registred in the Books of the Assemblie. C.]

We, Noblemen, Barrons, and vthers, vnderfubfcriueand, being fullie and certainelie perfwadit of the treasonable practises and conspiracies of fundrie his Hienes vnnaturall and vnthankfull fubieets againft the eftate of the true religioun prefentlie profest within this realme, his Majefties perfon, crowne, and libertie of this our native countrey, and finding his Majefties good difpofitioun to prevent and refift the famein, and to repreffe the cheif authors therof, his Majeftie having our concurrence and affiftance to the famein effect, Therfor, according to our bound duetie and zeale aught to Gods glory, love of our native countrey, and affectioun to his Majefties perfon, crowne, and eftate, we have promittit, and be thir presents promitts, faithfullie binds and obleifhes vs, and everie ane of vs, to concurre and take ane effald, leill and true part with his Majeftie, and ilk ane of vs with vthers, to the libertie and defence of the faid true religioun, crowne, and countrey, from thraldome of confcience, conquiefch and flaverie of ftrangers, and refifting, repreffing, and perfute of the cheife authors of the faids treasonable conspiracies; as, in speciall, of George Erle of Huntlie, William Erle of Angus, Francis Erle of Erroll, Sir Patrick Gordoun of Auchindoun, Knyght, Sir James Chifholme of Dundarne, Knyght, Mr James Gordoun, William Ogilvie, Robert Abercumbie, and all vthers Jefuites, Seminarie Preifts, traffiqueing Papifts, and vthers, his Hienes declairit traitours, rebellious and vnnaturall fubieets, treasonabill practifers againft the eftate of the true religioun, his Majefties perfon and crowne, and libertie of this our native countrey: And to that effect, we, and every ane of vs, fall putt ourfelves in our armes, ryfe and concurre, and paffe fordwart with his Majeftie his Livetennants, or vthers having his Majefties power and commiffioun, at all tymes, as we falbe requyrit be proclamatiouns, miffive letters, or vther wayes, and fall never shrink nor abfent ourfelves for any particular caufe or quarrell amongft ourfelves: We fall not ryde, affift, shew favour, give counsell to [nor take part with] the faids Erlis, Jefuites, nor vthers forfaids, nor get with the perfons de-

nuncit, or that falbe denuncit to the horne, or declarit fugitives fra his Majesties [lawes,] for the treasonable fyre raising and burning of the place of Dunibirsle, and murder of vmquhile James Erle of Murray, and neither receipt, supplie, nor intertaine them, nor get furnisch them meat, drink, house, nor harberie, nor vtherways have intelligence with them, privatly nor publickly, be letters, missives, nor no vther manner of way; the skaith and harme of vthers we fall not conceale, but disclose and impeded the same to our vtter powers; the quarrell or persute of vs or any of vs we fall esteime, lykeas presentlie we doe esteime, equal to vs all; and, be ourselves, our haill forces, lykeas his Majestie, with his Hienes force and authoritie, hes promittit and promitts to concurre and assist together, ilk ane in the defence of vthers to our vtter powers; and in cace any variance fall happin to fall out amongst any of vs, for quhatsumevir cause, we fall submitt, lykeas presentlie we submitt vs, to the judgement and delyverance of any two or thrie of the principalls of vs, subscryvers of this present Band, and fulfill quhatsumevir falbe declarit be them but reclamatioun or contradiotioun.

Attour his Majestie, be whose directioun and command, with advyce of his Counsell, ther is certaine Barrons and vthers Gentlemen directit to remaine in the south parts of this realme, hes promittit, and be thir presents promitts, be the word of a prince, that the samein Barrons fall not be licentiat to returne home againe to the saids north parts; neither fall any favour be grantit to the saids Erles, Jesuits, nor vtheris above mentionat, nor [no] ordour tane nor dispencit with, without the speciall knowledge and advyce of the Livetennant and Commissioner for the tyme, and fixe of the principall Barrons, at the least, inhabitants of the saids north parts, subscryvers of this present Band: And this to doe, we, the saids Noblemen, Barrons, and vthers forsaide, hes sworne and swears be the great God our Creatour, Jesus Chryst his Sonne our Redeimer, the Holie Ghost our Sanctifier, witnesses of the veritie heir aggried vpon, and revengers of the breake therof; and farder obleishes vs heirto vnder the paine of perjurie, infamie, and tinsell of credit perpetuallie, honour and estimatioun in tyme comein, beydes the ordinarie paines of the lawes to be execute vpon vs, in signe and memorie of our vnnaturall defectioun from God and his Majestie. In witnes quherof, we have subscrivit thir presents with our hands, as followes, lykeas his Majestie, in token of his allowance and approbatioun of the premisses, hes subscrivit the samein, att Aberdein the      day of Marche 1592.



[The names of these that subscribed the Band anent the Religion, at  
Aberdeen, March 1592.

## JACOBUS REX.

Lennox.	George Ogilvie of Banff.
Atholl.	J. Lindsay of Brodland.
Marr.	George Rofse of Balnagoun.
Marishall.	William Forbess of Tolquhown.
Henry Stewart of Uchiltree.	John Forbess of Echt.
Cancellarius.	William Strachan of Glenkindie.
James Lord Lindsay.	Alexander Blakhall of that ilk.
John Lord Inverness.	John Lumsdane of Cuschnie.
Inuermethie.	John Urquhart of Culbo, Tutor of Cromertie.
John Master of Forbess.	John Cuming of Earnside, gounger.
Sir Robert Melvill.	William Leslie of Wardes.
Blantyre.	Alexander Forbes of Thainstoun.
[Cockburne, Sir John ?] Cobrone.	Mr Alexander Cuming of Ailter.
Tullibardine.	William Burnet of Campbell.
Sir George Hume.	Patrick Gordon of Hilhead.
Alexander Hume.	Andrew Harvy of Elke.
Drum.	William Forbess of Corse.
John Grant of Frewquhy.	Alexander Forbes, Tutor of Brux and Gelane.
Walter Ogilvie of Finlater.	Alexander Forbess of Fingask.
Philorth.	William Keith of Ludquharne.
Pitligo.	Alexander Skeene.
Robert Innes of that ilk.	Donald Farquhardfone of Tilligar- month.
John Midletoun of Kilhill.	Thomas Frazer of
Walter Ogftone of Fettercarne.	Hector Munro of Foullis.
William Achanachie of that ilk.	Andro Frazer in Tyry.
Mr William Meldrum of Mancofer.	William Sutherland of Duffus.
Robert Falconer of	Alexander Hay of Dalgetie.
James Lyall of	Walter Cheyne of Arnege.
Arthure Gardine of Banchrie.	
George Hume.	
Kenneth M <sup>c</sup> Kenzie of Kintail.	

Patrick Cheyne of Eslmonth.	Alexander Dumbar appeirand of Tarbat.
Gilbert Meingeis of Petfoddelis.	Mark Dumbar of Dullus.
J. Burnet of Leyis.	William Seatoune of Blair.
William Forbessie of Carfindea.	John Keith of Rewinscraig.
John Gordon, with my hand, young- er of Auchindore.	Duncan Leslie of Pitcaiple.
Alexander Forbessie of Auchintoul.	Robert Coutis of
George Jhonestoune of that ilk.	George Mortimer of Auchinbeadie.
John Forbessie of Colleis.	Alexander Buchane of Auchmacoy.
George Bannerman of Waterton.	John Grahame appeirand of Morphie.
James Gordon of Haddo.	John Pantoun of Pitmedden.
Andrew Reid of Collestoune.	Alexander Chalmer of Balnacraig.
Andrew Tillidasse of Rannestoun.	John Roffe of Auchlofin.
Andrew Frazer of Stoniewood.	George Meldrum of Drumbrek.
William Forbessie of Monimusk.	Archibald Douglas of Pendreich.
James Mortimer, feir of Cragivarr.	Robert Tulloch of Tannacheis, Provest of Forreffe.
Petrie Leslie of that ilk.	Alexander Cumming appeirand of Alter.
Petrie Leslie of Kincragie.	William Keith appeirand of Pittarey.
Andrew Leslie of Newleslie.	John Keith of Northfeild.
James Stewart of Ryland.	Alexander Ogilwy of Boyne.
John Frazer of Crichtie.	John Hay appeirand of Lochloy.
James Innes of	Alexander Kinnaird appeirand of Cubin.
William Abernethie of	John Leslie of Dandileith.
Thomas Leask of that ilk.	William Wrwing of Beltie.
David Brodie of that ilk.	George Ogilvie of Cullen.
Mr William Leslie of Warthill.	John Chalmer of Bobithen.
Mr James Skeen of Westercorse.	John Abercrombie of Skeith.
Alexander Strauchan of Thorntoun.	William Dumbreck of Wrtoune.
Mr Robert Douglas of Glenbervie.	Hugh Crauford of Qubithill.
J. Areskine of Pitodrie.	George Adamson of Brako.
Robert Straquhan of Dillivaird.	John Innes of Auchlunkart.
[Sir John] Wilheart of Pittarow.	John Forbessie of Auchanachie.
Robert Arbuthnet, feir of that ilk.	William Abercrombie of
William Roffe appeirand of	Robert Innes of Elrick.
John Dumbarr of Maynes.	
Walter Watt of	
William Udney of that ilk.	

William Chalmer of Achorthie.	Magnus Mowat appeirand of Bucholy.
William Forbessie of Barnes.	William Ogilvie appeirand of
Alexander Skeen of that ilk.	John Ogilvie of
John Irwine of Petmurchie.	Thomas Innes appeirand of Edingeith.
Alexander Caddell of Aflowan.	Alexander Gardine of Blackfuird.
Alexander Innes appeirand of Path- nick.	George Gardine of Banchrie.
Andrew Meldrum appeirand of	Alexander Keith of
Alexander Hay of	Thomas Burnet of Craigmyle.
[Alexander] Burnet of Gask.	Alexander Abernethie of Lashindrum.
William Ferquharfone of Kelleyis.	Alexander Spence of Boddum.
William Craig of Craigffintrie.	James Creightoun of Coulen.
Gilbert Ogilvie of	James Ogilvie of Blerock.
William Pendreigh of that ilk.	James Forbessie of Fichile.
Alexander Leslie of Bucharne.	Alexander Annan of Achterellen.
Mr John Innes appeirand of Cokfton.	Andrew Meldrum of Auchorthie.
Alexander Fraiser of Dorris.	David Ramsey of Bomaine.
Andrew Knokis of that ilk.	Seatoun of Craigie.
	John Cruikshank of Tillimorgen.

[Apud Halirudhous quinto die mensis Januarij. Anno j<sup>m</sup> v<sup>c</sup> lxxxxij<sup>o</sup>.

Forfamekill as albeit the dangerous effectis of the couerit and biffy trauellis of Jesuitis, Seminarie Preistis, born subiectis of this realme, and sum vthiris strangearis, thir late geiris hes bene oft espyit and fearit, and for that caus, be findrie louable lawis, actis, and proclamations, alswele thair awin remaining as thair ressett, prohibite vnder diuers heich panes; git thair cullourit simplicitie and entisementis hes sa fer preuailit as thay haue nocht onlie purchest to thame selfis fauour and credite to be keipit, huirdit, and intertenyt in findrie pairtis of the realme, estir mony promisses maid that thay fould haue departit furth of the same, but als thay haue tane occasioun and lasure to perswade findrie of his Hienes subiectis to apostacie frome that religioun quhairin thay wer fosterit, weill instructit and groundit, and hes confermit vthiris in thair errouris, and at last seduceit thame to cast of thair dew obediens quhilk they aw to his Maiestie, and entir in tressfounable conspiracie for inbringing of strangearis Spangeartis in this

realme, this nixt spring or founer, to the ouerthrow his Hienes and all professing the trew religioun with him, and to the ruyne and conqueist of this ancient kingdome and libertie quhilk this natioun hes inioyit sa mony ageis, that it may be subiect heireftir to the slauerie and tyrrannie of that proude natioun, quhilk hes maid sic vnlauchfull conqueist in diuers pairtis of the warlde, alswele vpoun Christeanis as Infidellis, quhereuir the ayd of Spayne hes bene focht; regairding in the end na better thair inbringaris nor thame aganis quhome thay wer inbrocht, being anes victoris and commandaris, as easilie may be provin be speciall examplis, quhilk the malicious and vn-naturall subiects of this realme wald repute bot as generall and improbable discourfis, publiit in haitrene of that natioun to quhome thay haue alreddy fauld thame slaveis, and ar thair freindis and factouris in this land as thay speik and write, wer nocht it hes bene the gude plesure of Almightye God to mak the pruffe heiroy certane and without all doubt, be detecting of the simple trowth of the intentioun and finall caus of all the craftie practizes of thir pernicious trafficquing Papistis, Jesuitis, and Seminarie Preistis, aganis God, trew religioun, his Maiestie, and libertie of this cuntrey; namelie, Maister James Gordoun, fader bruthir to the Erll of Huntlie, Maister Robert Abircrumby, fader bruthir to the Laird of Murthley, quhais letters, directionis, aduyses, gea and the messingeris caryaris of thair credite and certane vthiris cheiff instrumentis and furtheraris of thair trade, God hes cassin in his Hienes handis, quhen the ship appointit for thair transporting wes in full reddynes to mak fail: Quhairby his Maiestie is now not onlie sufficientlie foirwarnit of the eminent dangeir to trew religioun, his awne estate and persone, his realme and faithfull subiectis, bot resolut with Godis help, be quhais Prouidence he hes bene sa wounderfullie delyuerit fra mony former perrellis, to try the full circumstanceis of this sa heich a conspiracie and detestable tressoun, to withstand it, and pvnishe the same on all gilty thairof, in example to the posteritie; and that nane of his subiectis heirtfoir abusit and dissavit be the craftie illusionis of thir pernicious and busy werkmen, fall remane ony langar doubtfull of the treuth, or of his Maiesteis awne mynd and intentioun, Ordanis letters to be direct to officeris of armes, Schireffis in that parte, to mak publicatioun of the premis, be oppin proclamatioun, at the mercat croceis of the heid burrowis of this realme and vthiris placeis neidfull, for warning thame of thair awne dangeir, giff thay fall suffir thame selfis to be ony langer led in errour be sic dissavable spirittis, to the

perrell of thair faulis, bodyis, landis, and guidis ; and therfoir to abstene frome forder harkenning to thair treffounable perfwasionis, and frome all intertenyng, reffett, supplee, intercommoning, or haueing intelligence with thame, directlie or indirectlie, vndir quhatfumeur pretext or cullour, vndir the pane of treffoun ; commanding alswa all and findrie his Hienes faithfull and obedient subiectis that luiffis and feiris God, and wald the standing and weilfair of his Maieftie thair Souerane Lord and King, professing with him the said trew and Christeane religioun, and desyris that thay, thair awne wyffis, bairnis, and posteritie, shold now and heireftir enioy the commoditeis of this thair natiue cuntrey, vnconqueist and made flaves in faullis and bodyis to merciles strangeris, that thay eirnistlie imploir the mercy and protectioun of Almightie God for thair defence and sauegaird ; and putt thame selffis in armes be all the gude meanis thay can, remaining in full reddynes to persew or defend as thay salbe certifeit be his Maieftie or vthirwayes findis the occasioun vrgent ; in the meantyme diligentlie espying and getting intelligence of the treffounable courses and procedingis of the saidis Jesuitis, Seminarie Preistis, and trafficking Papistis, thair fauouraris, mantenaris and reffettaris, and mak aduertisment to his Maieftie or ony of his Counfall thair of, with all speid and celeritie, as thay will anfuer to God and his Maieftie thairvpoun. Reg. Sec. Conc.]

The Generall Assemblie of the Kirk gives commissioun to thair brethren, Mrs Patrick Galloway, the Kings Majesties Minister, Peeter Blackburne, and Patrick Simfone, to give informatioun to his Maieftie [residing then at Sterlin] of the evident danger imminent to the Kirk of God within this realme, according to the instructioun givin to them ; and therewithall to present to his Maieftie the humble articles and petitionis of the Assemblie proponit for removeing of the saids dangers ; and to insist with all humilitie and due reverence for his Majesties good anfuer therunto, to the glorie of God and good of his Kirk ; and to report with all good diligence his Majesties anfuer, before they diffolve.

The dangers quhilks, throw the impunitie of the excommunicat Papists, traffiquers with the Spaingeards and vthers enemies of the religion and estate, are imminent to the true religion profest within this countrey, his Majesties person, crowne, and libertie of this our native countrey.

The samein dangers, quhilks of befoir be the craftie and pernicious practises of the Jesuites, and the malicious, vnnaturall, and treasonable conspiracies of the Erles of Huntlie, Erroll, and Angus, with thair complices, threatins the subversion of the true religioun, and the professours therof, his Majesties crowne and person, and betraying of this thair native countrey to the cruell and merciles Spaingeards, and were at that tyme discovered, and [vively] apprehendit be his Majestie and Estates, and hail body of this realme, so evidentlie that none can pretend ignorance, at this tyme are imminent, more vrgent, and more to be feared nor quhen the danger appeirit to be greatest, as may evidently appeir be the reasons following :

First, It is certaine that the Spaingeard, quho, with so great preparation in the 88 geir, interprysed the conquest of this yle, remaines as yet in that firme intencion, and waites only vpon a meitt occasion to accomplish that his purpose, as appeirs cleirly be his continueing in [this] intertainment of intelligence and traffiqueing with the forsaids excommunicats ever since the dissipation of his navie.

Secondlie, The manifest rebellions of the forsaide excommunicats and defection from his Majesties obedience, after so evident appeirances of thair wrack for thair manifest and treasonable attempts at the Brig of Die, at Falkland, &c. and the proove of his Majesties clemencie and favour towards them in pardoning thair forsaids treasons, declares that thair malicious and restless ingynes in the prosecuting of thair vnnaturall conspiracies aganis the religioun and countrey, cannot leave [off] nor cease so long as they are not punished, nor restrainit by justice and executioun of justice.

Thirddie, Quheras the Kirk, at all occasions, hes insistit to declare to his Majestie and Counsell, and Estates, the dangers evident for the tyme, and to crave convenient remedies thervnto, yet in effect nothing hes bein obtained thervnto, notwithstanding quhat somevir promises, actis, proclamations, readis &c. ; quherthrow they have bein alwayes put in great securitie, and takes libertie and boldnes of farther practises and attempts.

Fourthlie, Notwithstanding it was expresse provydit be act of Counsell, that none shuld presume to traffique or speake in favour of the saids excommunicats, vnder the paine of tinsell of thair offices ; get now they are advancit in greater credit of his Majestie, that have bein knowin to be thair cheifest favourers ; and they cease not get, contrair to thair promises, to procure them all favour, sicht and immunitie, as it appeirs in effect, quhatsoever they pretend.

Fyftlie, The erectioun of the idolatrie of the Mefs in diverse quarters of the land, as, namelie, in Mr Walter Lindfayes house of Balgay in Angus, in the gong Laird of Bonytounes house of Birnes, in the Erle of Angus house of Bothwell in Cliddisdail, and in the places of his residence in Dowglafdaile, and in the Erle of Huntlies house of Strabogie and Auld Aberdein, in the Erle of Errolls house of Logieamount and Slaines, proves cleirly that either they find themselves sufficiently assured of such favour and assistance within the countrey as may plainly mantaine thair cause be force, or els [that] they are perswadit of the aide of strangers, to be at readines in such due tyme as they may serve for thair releife, before that his Majestie and the professours of religioun performe any thing in effect in the contrair, or vtherwayes they durst nevir so openlie disclose thair idolatrie.

Sextlie, The refuseing of the act of abolitioun offerit to them be his Majestie, to the great greife of his good subiects, proveth sufficiently the samein ; for it is very probable and manifest that they nevir wald have refuset so great a benefite, except they had thocht themselves fullie assured of a better, either be favour of Court and assistance within the countrey, or be [concurrence and] aide of strangers without.

Sevinthlie, Thair refusall to entir in ward, notwithstanding of his Majesties indignatioun, and all that might follow thervpon, proves the samein.

Auchtie, The late arriveall of this barke at Montrois evidently shawis, that thair dangerous practises are presentlie at the point of executioun aganis the religioun and the countrey, and mon hastilie bring foorth some great inconvenient, except they be preventit and resistit be ane present remedie.

Nynthlie, The oppin conventiouns of the forsaide excommunicat Erles haldin at Brechin and vther places, since the arriveall of the said bark, declares that they esteime thair courses now to be so substantially led, that they regard not quhat [may] be done for resisting of the same.

10. The diligence of the saids excommunicats in preparing and putting thair haill forces in the north in armes and readines, vpon advertifement, shewis that they have some present interpryse, and attends only vpon concurrence, quhilk appeirandly they are verie meikle animat to looke for since the arrivall of the said bark.

11. Quheras his Majestie and Estates, at the first discoverie of thair conspiracies, apprehendit a very great danger to true religioun, the Kings Estate and Crowne, and libertie of the countrey; and notwithstanding that the samein cause of danger as git remaines haill vnremovit, ther is no apprehensioun of any danger, nor earnest care to withstand it: It is evident, that either ther is ane inclinatioun and purpose to cover, extenuat, and beir foorth the evill cause, quherthrow they will not fie; or els the Lord in judgement hes blindit and hardnit the hearts of all Estates, to grop in the mid day that quhilk they cannot fie, quhilk is the greatest danger of all, and ane most certaine argument of the wrath of God, and his heavie judgement hingand over the land, and so meikle the more to be fearit, because ther is no cause of feare apprehendit.

#### Remedies of the samein.

For remedie of the forsaids dangers, the Affemblie ordaines the Comissioners to deale earnestly with his Majestie, that he may apprehend the perrill, and be movit with ane bent affectioun, to proceid against the foirnamit excommunicats, Papists, traittours, as followis.

#### The Remedies.

1. That the saids excommunicats be forfaultit without favour, and to that effect, that the Parliament appointit to the 27 of this instant, be haldin preceillie without any kind of delay; the advocat sufficientlie instructit in every point, that the sum-mounds may be found relevant, and sufficient probatioun provydit.

#### The Kings Ansuers.

There sall nothing of the turne be vndone on my part, as I have at lenth declarit to the beirers.



2. That none suspect of religioun be chofin vpon the Articles.

Great reason, and farther as I have shawin the forsaid bearers.

3. That they be perfewit after the foirfaultrie be way of deid with all extremitie, and thair land and rents annexit to the crowne, to remaine with his Majestie and fucceffours for ever, and no part therof disponit to any in favour of the perfons foir-faultit.

Great reason, the foirfaultrie being endit.

4. That in the meane tyme his Majesties guard be imployit for apprehending of Mr Walter Lindsay, the Abbot of Newabbay, Bonytoun, younger, Mr George Ker, Mr Alexander Leslie, Thomas Tyrie, with all vthers traffiquers, Jesuites, and Seminarie Preifts, not contained in the fumounds of forfaultrie.

How willing I am to be imployit in apprehending any practising Papists, I remitt me to the bearers declaratioun.

5. That the rebells houses be takin, chargit and mannitt, [and thair] livings intromettit with and vptakin into his Majesties vse without favour, and no part therof disponit to thair friends, or any vther person for thair comoditie.

Great reason how soone they are for-faultit ; [and] I thank them for thair Counsell.

6. That all perfons be inhite vnder the paine of treason, and tinfell of lyfe, land and goods, to receipt, supplie, ryfe, concurre, and have intelligence with the forsaid excommunicats, vnder quhatsumevir pretence of vassalls dependers.

Great reason, thair foirfaultour alwayes preceeding.

7. That the haill subiects be chargeit to put themselves in armes, be all good means they can, remaining in full readines to persew and defend, as they shalbe certified be his Majestie, or vtherwayes findand the occasioun vrgent.

To be ready at my charge is very meit ; but I vnderstand not the last clause of vrgent occasioun.

8. That the bark arrayvit at Montrois be apprehendit, and that the persons that were within her, together with such [vthers] as hes had a dealing with them, according as they shalbe givin vp in tickett, be callit and diligentlie examinitt for discoverie of the practises and purpofes quhilk they have presentlie in hand.

I sall omitt no diligence in that quhilk can be requyrit at my hands, as I sall ansuer to God.

9. Forfameikle as the Lord Hooke hes contraveinit fundrie points, quherin he was oblischt to the Kirk of Edinburgh be his promise at the receiving of his subscriptioun, as, namely, in not satisfieing the Assemblie of Fyfe ; in not receiving a Minister in his house ; in not removeing out of his companie Captaine Andro Gray and Thomas Tyrie ; quherby, [as] also be his slanderous lyfe sen his subscriptioun, he hes givin just cause of suspicioun to the Kirk and all good men, that in his heart he is not get truelie sanctified and converted to the true religioun : Therefore, that his Majestie wald take earnest tryall of the premisses, and thereof judge if ther appeir in him sych a

*Distingue tempora et concordabis Scripturas.* The meaning of this the beirers will expone vnto you.

sinceritie of religioun and lyfe as his Majestie may lippen to, and the Kirk looke for sure freindship in such dangerous a tyme, in the cause of religioun ; quhilk not being found, that his Majestie wald remove him fra his companie, and discharge him of all publick office and comandment.

10. That the Guard presentlie takin vp be tryed, together with thair Captaines, in respect of many complaints givin in against them to the Affemblie.

The complaints belongs not to thair office : Alwayes I have satisfied the beirers heirin. Sic subscribitur,

JAMES R.

At Edenburgh the 10 of May 1594.

The Affemblie gives commiffioun to Mrs Patrick Galloway, Robert Rollock, Patrick Simfone, James Melvill, James Nicolfone, to propone the dangers and remedies above wrytin to his Majestie, and to report his Majesties anfuers theranent. Sic fubfcribitur,

Mr ANDRO MELVILL, Moderatour.

Sessio 11<sup>a</sup> 13 Maij.

Anent the horrible superstitioun vsed in Garioch and diverse parts of the countrey, in not labouring ane parcell of ground dedicate to the Devill, vnder the name of the Goodmans Craft : The Kirk, for remedie therof, hes found meitt that ane article be formed to the Parliament, that ane act may proceid from the Estates therof, ordaining all persons, possesseurs of the faids lands, to cause labour the samein betuixt and ane certane day appointit therto ; vtherwayes, in cace of diffobedience, the faids lands to fall in the Kings hands, to be disponit to such persons as pleases his Majestie, quho will labour the samein.

Sessio 12<sup>a</sup> 14 Maij.

Anent the supplicatioun of the Minister and parochiners of Bruntland, desyreand the Assemblie to allow the act of the Synodall Assemblie of Fyfe concerning thair new kirk, in allowing therof to be the paroch kirk : The haill Kirk present being advysit with the said ordinance, vnderstanding that the new kirk buildit be thame is most comodious for the parochin, both in respect of the greatnes of the congregatioun, and ewistnes of the place, and alwayes more convenient then the auld kirk, quhilk is not able to receive the congregatioun, and is farther distant from them : Therfor allowis and approvis the judgement of the Provinciall Assemblie of Fyfe, and ordaines the said new kirk to be the paroch kirk therof in tyme comeing.

Alexander Lord Hoome compeirand in the face of the Assemblie, and inquiryt be the Moderatour, if he confessit in [his] heart befor the Lord, and with his mouth, that he was justlie castin out of the Kirk be a sentence of excommunicatioun pronouncit against him be the Synodall Assemblie of Fyfe, and, as he wald ansuer vpon paine of his salvatioun and damnatioun, simplie to speake the trueth theranent, Protestit and acknowledgedit [openlie,] that he was justlie excommunicat, and confest his fault therin : And being inquiryt why he foght not to be relaxit from the said sentence according to the directioun of the Presbitrie of Edinburgh, excusit him be ignorance of that part of the act : As also being accusit, that he detainit the stipend of fundrie of the Ministrie, speciallie of Chirnesyde, ansuerit, That he was ready [to doe] quhat he ought to doe of law : Being farther demandit, why he keipit not conditionns speciallie sett downe in the act of the Presbitrie of Edinburgh, as, namelie, tuiching ane Minister in his awin house, tuiching the removeing of Thomas Tyrie out of his companie, ansuerit, That he remembrit not that he was obleisid be promise to have a Minister in his house, get, in that point, he is content to have ane, as the Kirk fall appoint him ; [and] as to Thomas Tyrie, Grants that he was in his service sen his subscriyveing, bot vnderstands not that he was oblischid to remove him quhill the Kirk had proceidit [to] excommunication against him, quhilk he beleives he foght of the Kirk, and beleives that they grantit [it ;] alwayes fra he was excommunicat, he removit him out of his companie ; and as to Johne Tyrie and Captane Gray, they were not his ser-

vants : Being inquyrit, if ther was any [perfon] callit Cowie, quhom with he fpak shortly, or any fett on land with the bark that came laft in [from Flanders,] Denyes the famein : And inquyrit if Macquhirrie was in his houfe shortlie, Grants, within this few dayes he was in his houfe, and came by his witting, haveing neither letter nor commiffioun to him, and paff away within halfe ane houre : And laft of all, the faid Lord confeffit in prefence of God and his holy angells, quhom he tooke [witneffes,] and the Lord Jefus [Chrift] quhom he tooke Judge, quhen he fall come to judge the quick and the dead, that he profellit from his heart the religioun prefentlie profellit be this Kirk here prefent, quherof he had alreadie fubfcrivit the articles befor the Preſbytrie of Edinburgh, and with his ſolemne oath confeffit befor them, and now confeſſes befor the Affembly, to be the only true and infallible religioun quhilk leids to ſalvatioun, quherin he mynds to live and die, and fall to the vttermoſt defend againſt all the enemies therof ; and denies, as he fall anfuer to the dreadfull God, the Romane Catholick religioun, as the Antichriftian religioun directlie opponit to the truth of God and his true ſervice, quhilk he teſtifies to the hail Affembly be vphalding of his hand, and be ſolemne witneſſing of God, that he hes no diſpensatioun nor indult to ſubſcryve or ſweare to the faids articles.

For farther ſatiffactioun of the brethren, the Kirk ordaines my Lord Proveſt of Edinburgh, Alexander Hooke, the Laird of Aittoun, Mrs Johne Daudifone, David Black, David Lindſay, to deale farther with my Lord afternoone, to try of his full reſolutioun.

Inſtructions to Sir Robert Melvill of Mordocairnie, and Alexander Hooke of Northberwick, Commiſſioners for his Maſteſtie at the preſent Generall Affembly, of Articles proponit in his Maſteſties name to the faid Generall Affembly at Edinburgh.

1. To proteſt that his Maſteſties royall priviledge, newlie ſett foorth be act of Parliament, be not prejudgeit in the conveyeing of the nixt Generall Affembly ; and to that effect, that befor thair diſſolving at this time, they direct ſome of thair number to his Maſteſtie, to be reſolved be him vpon the time and the place of the nixt [meeting of the] Generall Affembly, according to his Maſteſties propoſitioun, and their promiſe in the laſt Generall Affembly haldin at Dundie.

2. That they will ratifie and approve, be act of this present Assemblie, thair promise made to his Majestie in thair foresaid last Assemblie, that in any thing that any of the Ministrie had to crave, or complain to his Majestie, they should doe it be particular conference with himselfe, and not vtter publickly in pulpitt any vnreverent speeches against his Majesties person, Counsell, or Estate, vnder the pain of deprivation ; and that for this cause they will presently try and censure ane of thair number who hes contraveinit the said act : and in speciall, that they will examine so many of thair number as was present at the last Synodall Assemblie haldin at Perth, and charge them vpon thair great aithes and consciences, first, to declare what vnreverent and treasonabill speeches of his Majesty they heard Johne Roffe vtter publickly from the pulpitt, in all thair audiences ; and nixt, whither they censurit him for the same thereafter or not ; and to desire them in his Majesties name, that according to the Synodall censuring of him, they wald judge him as he demerits on the ane part, and his Majesties modest behaviour, ever since the beginning of that turne, hes deservit.

3. That they will excommunicat Mr Andro Hunter, for bringing in ane scandall vpon thair professioun, as the first opin traitour of their functioun, against ane Christian King of thair [own] religion, and their naturall Sovereigne.

4. That be act of thair Assemblie they will ordaine every particular Minister within thair charge, to dissuade, as weill be publick as privat exhortation, thair flock committit to thair cure, from concurring with the treasonabill attempts of Bothwell, or any vther traitours, that raises or fall raise themselves vp against the lawfull authoritie placit be God in his Majesties person : and specially, that they fall narrowlie take heid, and not suffer any of thair flock to be seducit vnder colour of religioun, or whatsumevir false pretext, to receive wages and become souldiours for service of any persons, except they sie his Majesties commissioun and warrand therunto ; and namelie of Bothwell, quho hes presentlie, in diverse parts of this realme, attemptit the same.

5. That in respect the Parliament time is at hand, and the occasioun will suddenlie serve for declaring of his Majesties godlie and honest intentioun in persecuting of the Papists [and] excommunicat Lords, both be law and vtherways ; that, therefor, they will select ane or two Commissioners of the discreitest and wisest of every principall Presbytrie, and give them commissioun

to attend vpon his Majestie at this time, as weill that his Majestie may have thair good advyce and assistance in his good turne, no lesse concerning the estate of the religioun then the estate of his Majesties crown and country ; and likewise that his Majestie may, be their moyen, direct and inform quhat he wald wisch to be done be the haille rest of the Ministrie, as occasioun fall from time to time be present. Sic subscribitur

JAMES R.

Sessio 13<sup>a</sup> 14 Maij.

Anent the offence conceivit be his Majestie agains a brother callit Johne Rofs : The Assembly of the Kirk thocht it expedient that certaine of the godly, discreitest and best learnit men of the Kirk, sould be chosin out, befor quhom that matter sould be first brockin vp and preceisslie handlit, and therafter brocht in publick befor the haille number ; and to that effect were chosin Mrs Andro Melvill, James Nicollson, Robert Bruce, Robert Rollock, Johne Davidson, Johne Craig, David Lindsay, Patrick Galloway, James Melvill, Walter Balcanquell, Alexander Forbes, James Robertson, David Fergusson : Quhilk number were ordainit to conveyne immediatly after thair ryseing in this house, and so many of the brethren of the Synodall of Striveling as are present, warnit to be ready as they shalbe callit for.

Sessio 14<sup>a</sup> 15 Maij.

The quhilk day compeirit Alexander Lord Hooime in Assemblie, and with all humilitie craveit that he might be absolvit from the sentence of excommunication led against him, protesting befor God he wald in tyme comeing give prooffe of obedience and service to God, and mantaine the trueth of his religioun professit be the Kirk heir present to his lyves end ; and although he was sometyme in ane different religioun from them, now avowis, he being bettir instructit in the heid quherin he sometyme differit from them, the present Confessioun of Faith and religion professit presentlie be the Assemblie ; and if he fall heirafter declyne therfra, submitts him in that cace to the Assemblie of the Kirk, hoping be Gods grace, nevir to make defectioun therfra.

The Assemblie, in respect this matter hes bein past be word, hes thocht meitt that certaine conditionis falbe sett downe in wryte, to be subscryvit be his Lordship; therafter his fute of absolutioun to be confidderit.

Sessio 15<sup>a</sup> Eodem die.

The Assemblie ordanes ane fast to be keipit within the Presbitrie of Edinburgh, and sikk vther parts quher the samein may be conveniently had, vpon Sunday the 26 of this instant, immediatlie preceeding the Parliament; and his Majestie to be remembrit that ane exhortatioun may be had, according to the custome quhilk was keipit of befor, the first day of the Parliament, and a thanksgiving at the conclusion therof be ane of the Ministrie; and also that his Majestie be put in mynd of the said fast appointit the foir-said day, to the effect his Majestie and his house may keip the samein.

In lyke maner it is ordanit, that a generall fast be observit [vniversallie] through the hail realme, the twa last Sundayis of Junij nixt to come, with exhortatiouns and prayers to be keipit betuixt the twa Sundayis on the weik dayes: The causes of the quhilk fast falbe intimat and presentit the morne in wryte be Mrs James Melvill, Patrick Galloway, and James Nicolfone.

The samein day, the conditionis vnderwrytin being proponit to Alexander Lord Hoome be the Generall Assemblie, to testifie his vnfaigned repentance, after reiding of the saids articles severallie: First, he ratified and approvit the subscriptioun and aith givin be him to the Confessioun of Faith, at Edinburgh the 22 day of December last, and that with ane solemne aith, halding vp his hand, and aggrieing to the said articles, and every ane of them; [and] in token of acceptatioun therof, [protesting] he dois the samein sincerelie, subscryvit the samein with his hand, humblie requyring, in respect of his obedience and repentance, that the Kirk wald relaxe him from the sentence of excommunicatioun pronouncit against him.

The Assemblie, in respect of his repentance shawin, his aith and declaratioun givin yesterdai, and obedience in subscryveing the saids conditionis, being satisfied therwith, and hopeing that he fall fullie keip promise in tyme comeing, ordaines him to be absolvit from the said excommunicatioun, and the sentence of absolutioun to be pronouncit be the Moderatour the morne at meiting.



## Followis the Conditious.

1. The Affemblie craves that the said Alexander Lord Hoome ratifie and approve the subfcriptioun and aith givin be him to the Confessioun of Faith, at Edenburgh the 22 day of December last, [or subscribe] and sweare againe de novo in face of the haille Affemblie, as falbe thoght expedient.

2. That he remove and hald furth of his companie, all Papists and traffiquers aganis the true religioun, and quhatfoevir [perfouns] falbe dilaitit to his Lordship to be suspect and corrupt in religioun; that he receive and intertaine in his house Mr Archibald Oswell as his ordinarie Pastour; and failgeing of him, some vther discreit and godlie Minister, be advyce of the Presbitrie of Dunbar; and that he make his familie subiect to the Word and discipline.

3. That he resort to the publick heiring of the word, in all places quher it fall happin him to repaire and have his residence, and that he communicat.

4. That he make his haille tennents and servants subject to the discipline of the Kirk quher they remaine.

5. That he repaire all the ruinous kirks within the Pryorie of Coldinghame, and provyde sufficient livings for Pastours plantit and to be plantit therat [according to the act of Parliament;] and suchlyke of all kirks within his bounds, so farre as law and reason may bind therto.

6. That he make thankfull payment to the Ministers of Chirnfyde, Swintoun, and Fischak, of thair stipends, conforme to thair assignations and decreits past thervpon, in cace he be oblischit therto be law.

7. That he concurre, be his counsell, crydet, and assistance, for maintenance of the true religioun publicklye profest and taught within this realme, with the maintainers therof, aganis all and quhatfomevir wald come in the contrair, within the countrey or without.

8. That he neither receipt, assist, intertaine, intercomoun, or have [any] intelligence with, the excommunicat Papist Lords, Jesuits, Seminarie Preists, nor traffiqueing Papists; nor solist [for] thame, or shew them favour, directlie or indirectlie, in judgement or out of judgement.

9. That he neither reason nor suffer any reasoning to be against the true religioun, or any point therof, in the places quher he may inhibite the same.

10. That he imploy himselfe carefullie to apprehend and present to justice Mr Alexander M<sup>c</sup>Qubirrie, and all and quhatsumevir Jefuites, [Seminarie Priests, and traffiqueing Papists, that fall resort] within his bounds; and that he doe nothing that may be found be the minister appointit for the tryall of his behaviour, to be prejudiciall to the true religioun presentlie professit be the Generall Affemblie heir presentlie conveynit; and in cace he salbe found to contraveine any ane of the forsaids points, that, in that cace, he consent to be summarlie excommunicat vpon the notoriety of the fact. And in testimonie of his acceptatioun of the said conditiones, that he subscrivye thir presents with his hand. Sic subscribitur,

ALEXANDER LORD HOOME.

Forsameikle as Alexander Lord Hoome, be his subscription, is bound to observe and keip the conditiones proponit to him be the Generall Affemblie, and acceptit be him; and in cace he be found to contravein the samein, or any of thame, to be summarlie excommunicat vpon the notoritie of the fact: The Generall Kirk gives libertie to quhatsumevir Presbitrie that fall vnderstand of his contraventioun of the saids conditiones, to call him, and try him of the said contraventioun, and convict him therof if he be found guiltie; and the convictioun to be direct and sent to the Presbitrie of Edinburgh, to quhom the Kirk gives commissioun summarlie to pronounce the sentence of excommunicatioun against him.

Sessio 16<sup>a</sup> 16 Maij.

According to the ordinance of the Affemblie, the actioun of absolutioun of Alexander Lord Hoome being committit to Mr David Lindsay, exhortatioun being first made, the said Lord was inquiryrit, If he was sorie in his heart for the fault and offence he had committit, and that he had incurritt the said sentence, and fand ane earnest dolour in his heart for that he was separate from the Kirk heir present so long, thrifing most earnestlie to be joynit thereto as ane member of Chrysts bodie, and promiseing, as he fall ansuer to God, in tyme comeing to continue ane constant professour in the trueth of his religioun, presentlie and publickly allowit be the Kirk of Scotland heir conveynit, to his lyves end, and to shew the fruites of a true Christian in his lyfe, removeing all slanderous persons out of his companie:

Quho anfuerit, in Gods prefence, It was his true meaning, and intendit to fhew the fame in evident effects in tyme comeing: Quherfor, thanks being givin to God, and prayer made, he was folemnlie abfolvit from the faid fentence be the faid Mr David, and receivit be him in name of the faid brether, and embraced as ane member reconcileit to the Kirk.

Sessio 17<sup>a</sup> 17 Maij.

Forfameikle as Mr Andro Hunter, [Minifter,] hes defertit his flock, and is fugitive from the lawis, being bruitit and fufpectit to have joynit himfelfe with the Kings rebells: The Affemblie prefent depofes him fra the functioun of the Miniftrie, ay and quhill he have fatisfied for his offence, his Majeftie and the Kirk.

Anent the Kings Majefties Articles: In refpect the firft article tuitches the tyme and place of thair nixt Affemblie, the haill Affemblie, with advyce of his Hienes Commiffioners, hes appointit thair nixt General Affemblie to be at Montrois, the laft Tuefday of Junij come ane geir; provyding alwayes, in cace it be found expedient pro re nata be the Prefbitrie of Edinburgh to be fooner, vpon thair advertifement, the famein to be preveinit.

And as concerning his Majefties firft article, anfuer is givin, That the tyme and place is appointit in prefence of the Commiffioners, according to the act of Parliament.

As to the fecond, The act made at Dundie, de novo is ratified.

The anfuer concerning Johne Ros particular continued quhill afternoone.

Concerning Mr Andro Hunter, The Kirk hes depofed him.

The 5 and 6 articles aggried vnto.

Ordaines every particular Pafour, at his awin Kirk, to intimat the fentence of abfolution pronuncit in favours of my Lord Hoome, from the proces of excommunication led againft him.

Sessio 18<sup>a</sup> Eodem die.

Anent the matter of offence conceivit be his Hienes againft Johne Ros Minifter, be occafion of ane fermoun made be him in prefen

vinciall Affemblic at Perth: The said matter being first ordainit to be treatit and weyt in privie conference, and ane certaine of the grave, learnit and godly brethren beand appointit therto, and to give thair judgements to the whole Affemblic, the said brether reportit thair advyce and proceeding in wryte as followes:

First, They have found that the peiple departit not out of the kirk befor the end of the doctrine, as it hes bein reportit to his Majestie, quherthrow he might have vttered any kynd of offence; and that the said Affemblic had pronuncit no damnatour sentence against him, bot that they onlie admonishit him vpon such causes and consideratiouns as efter followes:

1. In respect that he delyverit that doctrine at that tyme quhen his Majesties rebels and enemies were assemblit on the feilds, quherthrow it might appeare to the peiple, the Kirk allowit Bothwells treasonable attempts, and that the Affemblic of purpose had placit him in that rowme, to alienat the hearts of his peiple from his Majesties obedience.

2. In respect of certaine speiches delyverit be him without any sufficient warrand, so farre as they could sie and vnderstand, and namelie that sentence pronuncit against the house of Guise de futuro.

3. In respect of the hard delyverie of speiches spokin of his Majestie, quhilk might have bein thocht to have craveit greater zeirs and farther experience: Farther the haill brether, both of the Conference and of the Provinciall of Perth, all in ane voyce acknowledgis that ther is just cause of ane sharper rebuik and threatning of heavier judgements foorth of the grounds of that text, then hes bein or might have bein vtterit be him; and quhatsoever he vtterit, as he deponit before God and [vpon] his conscience, he vttered it out of love, seiking alwayes his Majesties standing, on na pre-occupied mynd, prejudgeit opinioun, or troublit affectioun, bot of ane faul alwayes seiking and thrifting his Majesties honour and weill in God; and therfor approves his whole doctrine in that point, as it hes bein red and clarit be himselfe, in such heids as hes seimit to have bein most offensive.

And as concerning the admonitioun of the Provinciall of Perth, and the causes moveing them thervnto, the brethren reverences and allowes thair judgement in all things, vpon consideratioun as is befor exprest; onlie anent the sentence touching the House of Guise de futuro, because the haill brethren hard it not, [and] he himselfe professes he remembers not he spake swa, neither had he such meaning [at any time,] and confesses his fault if such ane word hes fallin out; the brethren thinks meitt with himselfe in that point, that if he hes spokin so, he hes failit, having no just warrand: And being myndit

to satisfie his Majestie alwayes so farre as [possiblie] may be done with ane good conscience, after earnest incalling of the name of God for assistance of his Spirit, and long advysement, hes found it good that the admonitioun of the Provinciall of Perth, as said is, be reverencit of the said haill Generall Assemblie, and that the Assemblie at this tyme give farther to the said Johne Ros ane grave and earnest admonitioun, to speake at all tymes reverentlie and with such wisdome of his Majestie, as he alwayes may have so cleir ane warrand of his speiches as may fullie satisfie his awin conscience befor God, and may have the approbatioun and allowance of all his godly brethren : and that this admonitioun be extendit to all vther yong men of the Ministrie, and to the haill Assemblie. Quhilk judgement of the haill brethren being well confidderit be the haill Assemblie, after good deliberation, vottit to the approbatioun of thair said judgement, and allowit the samein in all points.

And therafter the said Johne Ros beand callit in, he, in presence of the said Assemblie, protestit befor God, and [in] his conscience, that quhatfoevir he vtterit in the doctrine delyverit be him, he vtterit the samein for love to his Majesties weill and standing, of no preoccupied mynd, prejudgeit opinioun, or troublit affectioun, bot of ane faul seikand his Majesties honour and weill in the Lord, haveand neither eye nor respect to his Majesties traitours beand then in armes vpon the fields ; get granting some words to be hardlie delyverit (thocht truewlie :) And as concerning the words spokin of the House of Guise de futuro, [as is alledgit,] befor the Lord, he remembers not he spake such wordes, neither had intentioun nor meaning to speake the samein, and if he spake the samein, it was ane fault et lapsus linguæ.

The Moderatour, at command of the said Assemblie, in the name and feare of God, admonischit the said brother, and all vthers yong men of the Ministrie, and haill Assemblie, in all tyme comeing, to speake so reverentlie and discreitly of his Majestie, that they may have so cleir warrand of thair speiches as may fullie satisfie thair awin conscience befor God, and have approbatioun and allowance of all the godlie, and his Majestie have no just cause of complaint and mislyking in tyme comeing : Quhilk admonitioun the said Johne with all humilitie revered.

Humble Anfuers of the Generall Affemblie of the Kirk [conveinit] at Edenburgh, the 27 day of May 1594, to his Majesties Articles, presentit be his Commiffioners.

First, Anent the tyme and place of the Generall [Affemblie :] The famein is appointit be advyce of his Hienes Commiffioners present, according to the act of Parliament.

2. The act made be the Generall Affemblie at Dundie, is de novo ratified and approvin. And the particular of Johne Ros resolvit, as his Majestie salbe informit more particularlie be the Commiffioners of the Kirk to be direct to his Grace.

3. Twitching Mr Andro Hunter : The Affemblie hes proceidit and givin ane sentence of depofitioun for his offence aganis him, quhill he satisfie his Majestie and the Kirk.

4. Every particular Minifter within his charge is straitlie commandit to diffwade their flocks, as weill be publick as privat exhortatiouns, fra concurring with the treasonable attempts of Bothwell, or any [vther] traitour to his Majestie, that raifes or fall raife themselves vp againft his authoritie ; and ficklyke to take heid and suffer not their flocks, vnder cullour of religioun, or quhatfoevir false pretext, to receive wages of any perfouns without his Majesties warrand, and namelie of the said Bothwell.

5. They have appointit a reasonable number of brethren to awaite on his Majestie, for satisfieing of the last article.

With thanksgiving to God for his mercies, the Affemblie diffolvit.

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A. D. M.D.XCV.

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THE Generall Affemblie of the Kirk of Scotland conveynit at Montrois, the 24 day of Junij 1595 zeirs.

Exhortatioun was made be Mr Andro Melvill, Proveft of the New Colledge of Sanct Androes, and Moderatour of the laft Affemblie. Mrs Robert Pont, Peter Blackburne, James Nicolfone, were on the leits, and the laid Mr James, be pluralitie of vottis, was chofin Moderatour hac vice.

Seffio 2<sup>a</sup> 24 Junij.

Anent the questioun movit in the Affemblie, If it be proper to them to declare be the Word of God, quhat mariages are lafull, and quhat are vnlawfull, fo farre as concernes the spirituall part therof: It was anfuerit affirmativé, that it was proper.

Seffio 3<sup>a</sup> 25 Junij.

Ordaines the Presbitries in all parts within this cuntry to proceed againft the Papifts within thair bounds, with the fentence of excommuni-

cation : And because of the weaknes of the Presbitrie of Inuerneffe, ordaines them to proceed therein with the advyce of Mrs George Monro, Johne Monro, Johne M'kenzie, and Andro Crombie.

—Forfameikle as diverse Papists and suspect of Papistrie, after their subscription and aithes, pretending deadly feids, abstaining from the table of the Lord, quherby they vtter themselves in effect and in heart to continue Papists : Therfor the Assemblie ordaines the Presbitries quher sick persons are, to proceed against them with the sentence of excommunication so long as they refuse to communicat, in the samein manner as if they had not subscryvit nor givin aith.

Forfameikle as diverse persons cutt of from the societie of the Kirk be sentence of excommunication pronouncit against them, nottheles they are receivit and intertainit as if they were the true members of Chrysts Kirk, to the great contempt of God, and the evill example of vthers : The Assemblie therfor ordaines the Presbitries quher such persons are, to proceed against them according to the acts of the Kirk, vnder the paine of publick rebuik in face of the whole Assemblie of the brethren of the Presbitrie, if fault be found in them, and making humble confessioun vpon thair knees of thair offence, in cace the samein be found in them as said is, and vnder the paine of the depositions of the Minister in whose default the said ordinance of the Kirk is not execute ; and that the samein penaltie and executioun be vsit and strike vpon them that hes intercomuning, intelligence, or familiaritie with the saids excommunicats, quhilk is vsed aganis the receivers forsaid, vnder the samein paine.

#### Sessio 4<sup>a</sup> Eodem die.

Forfameikle as ther is divers persons professing with vs the veritie of the Gospell, quhilkis nevertheles the space of diverse zeiris, vnder pretence of deadlie feids, hes withdrawin and daylie withdrawes them from participatioun of the holy table, declareing therby how little they esteime that great benefite, and in effect, as it were, cutting aff themselves from the communion [of the faithfull:] Heirfoir ordinance is givin to all Presbitries within thair bounds, to charge all persons abstaining from the communion be reason of deadlie feids, notwithstanding therof, as it becomes christian members, to participat the said holy table ; and in cace they be obstinat



and refuse, to proceed with the censures of the Kirk against them ; it being alwayes considered be the Presbitrie, that if ther be any of infirmitie or tendernes of conscience that refuses, in that case the said Presbitrie fall travell with the saids persons to bring them to thair duetie and participatioun of the said table, granting, with good advyce and discretioun, some reasonable [tyme] as to resolve themselves, within the quhilk if they give not obedience, and refuse to participat as said is, that the said Presbitrie proceed against them with the sentence of excommunicatioun.

Sessio 5<sup>a</sup> 26 Junij.

The Kings Majesties Commissioners desyrit of the Assemblie, that he might have ane choise of such two of the Ministrie his Majestie wald nominat, in place of Mr Johne Craig and Johne Duncansone. The Assemblie hes found meitt [and votit] that a certaine of the most grave, learned, and best disposed brethren of the haill Ministrie be chosin and nominat be them, out of the quhilk it may please his Majestie to nominat two : Vnto that effect Commissioners to be appointit before the end of this Assemblie to advyse his Majestie of the choise to be made of these whose names salbe sett downe befor the Assemblie dissolve ; craveing his Hienes Commissioners to make his Majestie soirsein, that they may know on quhom his eyes are sett, and be resolvit befor thair lousing.

Anent the planting of Kirks : Because ane speciall impediment hes bein therof, the dilapidatioun of the benefices posselt be the brethren of the Ministrie, quho [hes] sett thair benefices with the diminutioun of the rentalls, or be conversioun of victuall in silver, not regarding the acts and ordinances of the Assemblie : Heirfor for remeid, the Generall Assemblie hes givin power and commissioun to the brether vnderwrytin within the bounds particularlie vnder devydit, to call befor them sick persons within the Ministrie, that sen the act of the Assemblie, made in the zeir of God 1578, hes sett thair benefices with diminutioun of the rentall therof, or conversioun of the victuall in silver, [and] to proceed against them with the sentence of depositioun, quhilk shall stand in force ay and quhill they restore thair benefice to the awin integritie, quherin the samein was at thair entrie ; that is to say, To Mrs Andro Melvill, James Melvill, Robert Wilkie, Thomas Buchannan, Andro Moncreif, to call befor them the saids persons within

the bounds following, viz. from Spay to Tay, and all Louthiane, Mers and Teviotdaill, to compeir befor them in San&t Androes: Nixt Mrs David Lindfay, Robert Bruce, David Fergusone, Robert Pont, James Balfour, or any thrie of them, to sitt in Edenburgh, and call the saids dilapidatours befor them, within the bounds of the haill [north] to Spay and Fyfe, as als beneficit persons that hes made dilapidatioun within the Dyocie of Ros: Thirlie, Mrs Patrick Simfone, Andro Young, Harie Levingstoun, James Pont, Johne Davidfone, to sitt in Striveling, and call befor them the saids brethren that hes dilapidat thair benefices within the bounds of Strivelinghyre, Stratherne, Cliddisdaill, Dumbartane, Ranfrew, Lennox, Kyle, Carrick, Cunighame, Galloway, Nithefdaill: And for the better executioun to be had of this commiffioun, ordaines everie Presbitrie within the bounds forsaids, to send to the judges every ane of them within thair awin bounds, particular informatioun and ansuer to the heids quhilk falbe pennit be thair brother, Mr Robert Pont, betuixt and the 15 of August nixt: And to the effect that the Presbitries be not ignorant heirof, the Assemblie presentlie has nominat the brether after specifiet to give warning to the Presbitries within the bounds respectivé following, according to the divisioun aftir specifiet: That is to say, Mr Andro Crombie for Ros; Mr Alexander Rawfone, Mr Alexander Dowglas, for Murray; Mr Peter Blackburne, Mr Duncane Davidfone, James Reid, for Aberdeine; Mr Andro Mill, Mr Alexander Forbes, for Mernes; John Durie, Mr James Melvill, for Angus; Mr Alexander Lindfay, and William Glasse, for Stratherne; Mrs James Melvill, David Fergusone, for Fyfe; Mrs Walter Hay, Andro Blackhall, for Louthiane; James Deis for Mers and Teviotdaill; for Tweddall, Mrs Andro Blackhall and Walter Hay; for Strivelinghyre, Mr Adame Ballantyne; for Cliddefdaill, Ranfrow, Lennox, and Dumbartane, Mr Walter Stewart and Mr Gawin Hamiltoun; for Nithefdaile, Mr James Bryffeoun, Hew Fullertoun; for Galloway, Mr Johne Aikman; for Kyle, Carrick, and Cunighame, Mr David Barklay: Qubilks informatiouns being receivit be the saids judges, ordaines them, with all diligence, to proceed against the saids perfouns. And for the faithfull executioun of the said commiffioun, the said judges was sworne, except Mrs Thomas Buchannan, Robert Bruce, Patrick Simfone, Harie Levingstoun, James Pont, quho were not present.

Forfameikle as a great occasioun of the none planting of the kirks stands in laike of provisioun of the Ministrie, and that thair stipends from geir to

geir, being changeable, they are drawin from thair kirks, to the neglecting of thair flockis, and to the disgraceing of thair callings: With commoun advyce it is heirfor concludit and resolvit, that ane constant platt salbe sett downe be the brethren following, appointit out of everie province, quho fall fitt and conveyne the first day of September nixt in Edenburgh; and befor their conventioun and fitting, every Presbitrie fall, betuixt and the 15 day of August nixt to come, delyver to thair saids brethren appointit of their provinces, ane resolvit informatioun, wrytin in forme of a booke in mundo, of the estate of thair kirks, in the heids following; viz. of the names of the benefices within thair bounds, whither the samein be severall benefices, or annexit; quho is patrone therof, quho is possessour; be quhat rycht the samein is bruikit; the auld rent, the present rent, and the just availe therof; and quhat kirks may be unite or divydit: quhilks informations being receivit and collectit together, the saids Commissioners conveying together as said is, fall appoint every Presbitrie severall dayes, to direct a speciall brother fullie instructit be them with a constant platt of the kirks within thair Presbitries; and the said brether swa directed, with the Commissioners forsaids, to conclude and put in forme a constant platt of thair Presbitrie, and so furth to proceed, quhill the worke be wholie made vp and compleit: and after compleiting therof, the saids Commissioners fall make warning to every Presbitrie to direct a brother from them to confidder the haill wark; and the samein being allowit be the saids Commissioners and brethren from every Presbitrie, quhilks are confidderit to be fiftie in number, the ratificatioun therof to be socht of his Majestie and Counsell: Of the quhilks Commissioners, chosin out be this Assemblie from the provinces, the names followes, viz. from Zetland, Orknay, Cathnes, and Sutherland, Mr Robert Pont; for Ros, Mr Andro Crombie; for Murray, Mr Alexander Dowglas; for Aberdeine, Mr Alexander Cunighame, Mr Peter Blackburne; for Mernes and Angus, Mr James Nicolfone, Mr Andro Milne; for Stratherne, Dunkeld, Dumblane, and Striveling shyre, Mr Patrick Galloway, Mr Alexander Lindsay; for Fyfe, Mr Thomas Buchannan; for Louthiane and Tweddall, Mr David Lindfy; for the Merse, Johne Clappertoun; for Teviotdaill, Mr Johne Knox; for Clidfdaill, Ranfrow, Lennox, and Dumbartane, Mr Gawin Hamiltoun, Mr Johne Hewisone; for Nithefdaill, Mr James Bryson, and, in eace of his seiknes, Mr Hew Fullertoun; for Galloway, Mr Johne Aikman; for Kyle, Carrick, and Cunighame, Mr Johne Mcquherne: Quhilks brethren

and Commiffioners in number 18, fall alfo have power to make ane platt for ane interim, quhilk being concludit be the faids Commiffioners and a brother direct from every Presbitrie, quhilk will make fiftie mair, no reclamatioun falbe therfra, but [quhat] falbe concludit concerning the constant platt or interim, fall stand in constant force and full effect, as if the famein had bein concludit be the Generall Affemblie, without any reclamatioun therfra, as said is; and becaufe the worke will requyre waiting on, and the faids aughtein Commiffioners wilbe put to charges and expences, it is ordainit that thair expensis falbe borne be thair provinces: And for the faithfull executioun [heirof,] they are all fworne, except Mrs Alexander Dowglas, Johne Knox, Patrick Galloway, Johne Clappertoun, and Johne Hewifone, quho were not present.

Seffio 8<sup>a</sup> 27 Julij.

Compeirit Sir James Chifholme in prefence of the hail brethren, and confellit with humilitie his offencis, namelie his apoftafie from the religioun, for the quhilk he craveit Gods mercie; and farther he declairit that he profefles with vs the [hail] true religioun, renunceand the Antichryft and all his errours, craving from his heart to be receivit in the bofome of the Kirk; with the quhilk the brethren being movit, concludit he fould be relaxit be the Generall Affemblie, at thair firft meiting the morne, from the fentence of excommunicatioun led againft him; and therafter the forme of his fatiffactioun to be appointit and fett downe be the Affemblie.

The heids of Inquifitioun to be made in everie Presbitrie anent Dilapidatioun.

Imprimis, To take [up] from every beneficit Minifter the prefent rentall of his benefice, and quhat geirlie duetie, be his awin confeffioun, he getts prefentlie of the famein.

2. If he hes fett taks therof, [and] to quhom, privatlie or publicklye, and, if neid beis, to take his aith thereon.

3. To inquyre quhat was the eftate of his benefice quhen he entred with it, and whither he was hurt [or vitiated] be his predeceffour.

4. To take diligent inquisition not only be report of the beneficit person himselfe, but be vthers that knowes quhat the iust valour of the benefice was worth, or payit of old in the best estate.

5. What the famein wald extend to in zeirlie rent of teyndis, or vtherwayes, if it were frie of tackis, and in a Ministers awin hand; and, if neid beis, that the Presbitrie or Commissioner call ane inqueist of men of best knowledge in the countrey about, to declare the veritie heirin, and send the famein to the judges appointit in due tyme, with the hail circumstances befor rehearfit.

His Hienes Commissioners presentit Articles from his Majestie, craveing the same to be red and anfuerit. [The tenor whereof and answers made thereto follow :

The tenor of the Kings Articles. C.]

His Majestie craves that ther be ane act made, ordaining that quohoevir fall at any tyme practife any trefonabill interpryse or conspiracie against his Majesties person or estate, beand found and declairit culpable [therof] be law, fall lykewayes incurre the sentence of excommunication therfor, that therby ane inseparable vnioun may be betuixt the two swords.

2. That ane ordour be takin concerning excommunication in thrie points, especiallie, first, That it be not at the appetite of two or thrie particulars, and that it be not proceedit in quhill first ane convenient number of the Kirk be gravelie conveyit. 2. That it be not for civill causes, or small crymes, and specially any Ministers particular, leif it be thocht that they imitate the Popes curfing, and so incurre the lyke contempt. 3. The forme of summar excommunicatioun, without any citatioun, be alluterlie abolischit in tyme comeing.

Item, In respect Mr Johne Craig is awaiting on quhat houre it fall please God to call him, and is altogether vnable to serve any longer, and his Majestie myndis to place John Duncansone with the Prince, and therfor hes no Ministers bot Mr Patrick Galloway : Therfor his Hienes desyres ane ordinance to be made, granting him any two Ministers that he fall choofe.

[Humble Anfuers of the Generall Affembly, conveened at Montrose, to the Articles presented be his Hienes Commissioners. C. & B.]

First, Quher ane ordinance is craveit to be made against practifers of any treasonabill interpryses or conspiracie against his Hienes person and estate, beand found and declairit culpable therof be law, that they therfor fall incurre the sentence of excommunicatioun, The Generall Assemblie aggrieth therto, legitima cognitione [ecclesiastica] preeunte.

As to the ordour craveit to be tane concerning excommunicatioun, especially in 3 points containit in the second article, The first part is condiscendit to: And as to the second, That no excommunicatioun salbe vsed in causes meere civill, or in small matters, and the abolishing, in tyme comeing, of the former summar excommunicatioun without citatioun: These points importing great weght, and craveing mature deliberatioun, the Assemblie hes thocht meit to superceid all concluding therin quhill the nixt Conventioun, quher, by Gods grace, they mynd to resolve thervpon; and that, in the meanetyme, none of the Ministrie proceed to excommunicatioun without citatioun preceeding, nisi periclitetur ecclesia et respublica.

Anent his Majesties [fute] concerning his Ministers: It is aggreit that his Majestie fall have choise of the most grave, learned and godlie brether of the Ministrie, with advyce of the Commissioners following, to be direct to his Majestie, viz. Mrs Robert Bruce, Andro Melvill, James Melvill, David Lindsay, David Fergusone, James Balfour, Thomas Buchannan, James Nicolfone, Andro Lamb, George Glaidstanes, or any fixe of the said brethren, quho are appointit to meit the 22 Julij nixt.

Sessio 9<sup>a</sup> 28 Junij.

After humiliatioun of Sir James Chisholme on his knies, and acknowledging of his offence to the satisfactioun of the brethren, be the voyce of the Moderatour, the sentence of absolutioun was pronouncit in his favours, and he relaxit from the proces of excommunicatioun led against him.

Anent the act made in favours of the executours of Ministers: The Assemblie and brethren present, for cleiring therof, declares, If the Minister die after Michaelmes, quia fruges separatæ sunt a solo, that his executours

fall fall that geirs rent, and the half of the nixt ; and that the provisioun of this act be extendit to the reliēt of vmquhile Mr James Hamilton, and the Lords requeisitit to that effect.

Forfameikle as ther is great cause of humiliatioun of vs befor God, whose visibill anger appears on the heids of this land, get be the most pairt litle regairdit : The Kirk hes ordainit a generall fast and humiliatioun to be vniverfallie observit in all the kirks within this realme, vpon the twa first Sondays of August nixt to come : The causes therof to be led out gravelie be the Pastours, according to the grounds they fie and perceive.

[1. The great aboundance and increase of sin, and transgression of all the commandements of God, be all the Estates, fostered be impunity, and laike of justice, produceing in speciall all kind of murder and oppression.

2. The great apostacy, defection, and decay of zeal and godliness of every Estate.

3. The great and present danger, that the Church, Common well, and King standeth in, through the wrath of God, not only kindled against us, but also justlie burning and devouring us up already by sundrie fearfull plagues and punishments, as by unseasonable weather, dearth and famine, and the appearance of greater ; the deep conspiracys and daily confederacys of the faction of the known adversariys to religion, King, and countrie, threatning to root us out from being any more a nation, and the breaking and removeing of our two states of Church and Common Wealth.

4. The compassion it becometh us to have of our brethren of other Churches, under no less danger than we, through all Europe, not only be the Confederats of the Counsell of Trent, but also be the barbarous crueltie and great bondage exercised and brought upon our dear and worthie brethren by such as it becometh not, specially in Poland, England, Saxonie, and diverse parts of Germanie. C.]

Forfameikle as ther is ane abuse necessar to be remeidit, especially in Cathnes and some vther parts, quher they that possesse the benefices, dilapidat the haill rents therof, as the late Bischop of Cathnes did in speciall, except a very small quantitie, in pensious most prodigallie to all that socht the same, quherby he hes dilapidat the haill patrimonie of the said Bischoprick : For remeid quherof, the Assemblie ordaines Mr David Lindsay and Mr James Balfour to admonish Mr Thomas Craig and the Solistar of the Kirk, to persue the saids pensioners for reducioun of thair pensious,

quhilk cannot stand be the law, of the haille, or of the most part of the fruites of any benefice, and to insist diligentlie therin.

Anent mariages : The Assemblie declarit thir two sorts to be vnlawfull ; first, when ane person marieth another quhom they have pollutit by adulterie ; nixt, quhen the innocent person is content to remaine with the [nocent and] guiltie, and the guiltie will have another, or takis another.

As concerning mariages made be excommunicat Preists, or vthers that hes served in the Kirk, and [are] deposit from thair office, or be privat persons : The Assemblie declares such mariages to be null ; ordaining the brethren of Edinburgh to travell with the Commiffars of Edinburgh, that they decyd according to the saids conclusions.

Anent the contraverfie betuixt the Ministrie of Sanct Androes and William Balfour : The brethren appointit to conferre theranent reportit thair judgement following, That the said William fall declare that he knew no vther but that Mr David Black, Minister of the towne forsaide, had left the proces of the mans contravertit, and that he hes no wayes proceedit therin, in contempt of the Kirk, or any particular person within the same ; and thir things he does protest in conscience, and confesses that he hes done vnduetifullie ; that is to say, that he hes ovirsein himselfe in his duetie towards the Kirk, in midling, not forwarning them with the title of the house quherin he dwells, in respect of the Kirks designation therof past of befor, for the quhilk he is penitent befor God and his Kirk : provyding alwayes, that the said confessioun be no wayes prejudiciall to the said William in the right and title of the said house, and that the samein be no wayes objected against him, in judgement or out of judgement ; and that the said William fall make the said confessioun befor the brethren of the Conference of this Assemblie, the brethren of the Presbitrie that are heir being present : The quhilk being done, that this present Generall Assemblie fall discharge the said Presbitrie of Sanct Androes from all proceedings be censures aganis the said William for that matter, and in lyke maner, the said Mr David from all publiet invectiouns aganis the said William in his sermons for that cause ; and the said Mr David and William, in token of forgiveness of all mutuall offences bygane, and professioun of christian amitie in tyme to come, fall joyne hands together before the said brether of the conference, and keip the samein amitie in tyme comeing ; remittand the contraverfie of thair titles to the discretioun of the Judges ordinar : and this to be ordainit be the General Assemblie, to be declarit in the paroch kirk of Sanct An-



droes, be Mr William Scott, Minister at Kennoquhy. The brethren appointit to conferre be the Generall Assemblie were thir, Mrs Robert Bruce, Peter Blackburne, William Scot, Thomas Buchannan, Andro Lamb, Johne Caldcleugh : Quhilk judgement of the said brethren the Generall Assemblie approvit in all points.

Anent Gramer Schooles in Townes : Every Presbitrie, within thair awin bounds, is ordainit to take ordour for visitatioun and reformatioun therof, and to deale with the Magistrats for augmentatioun of thair stipends and provisioun of Maisters ; as also appointing of some persons most meitt of thair Counsell, to attend carefullie on the Schooles, and to assist the Maisters in discipline.

Anent the actis of the Assemblie : The brether hes ordainit that the samein be sichtit, and speciall acts for practife of the Kirk be extractit and joynit with the Booke of Discipline, to be publishit either in wryte or print, that none pretend ignorance therof ; and to this effect to concurre with the Clerk, Mrs Robert Pont, Thomas Buchannan, James Melvill, Johne Johnstoun, and James Carmichael.

Anent Colledges : In respect that it is thocht necessar that ane visitatioun be had of the samein, the present Assemblie hes givin commissioun to thair brether, Mrs James Melvill, Thomas Buchannan, James Balfour, Robert Rollock, Walter Balcanquell, Nicoll Dalglesch, James Nicolson, and Alexander Forbes, to conveyne together the first day of January nixt to come, to the visitatioun of the saids colledgis, to try, examine, and consider the doctrine, lyfe, and diligence of the Maisters ; the discipline and ordour vfit be them ; the estate of thair rents and livings ; and quher they find abuse, to reforme so farre as they [may :] remittand to the Assemblie such things as they cannot take ordour with ; and quhat they effectuat heirin, to report to the nixt Assemblie.

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A. D. M.D.XCV.

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THE Generall Affemblie of the Kirk of Scotland, haldin at Edinburgh, in the New Kirk thereof, the 24 [22. P.] day of Marche 1595.

Exhortatioun beand made be Mr James Nicollone, laft Moderatour, the Affemblie proceedit to the electioun of a new Moderatour, and appointing on the leits Mrs David Fergusone, David Lindsay, James Balfour, Robert Pont, the said Mr Robert, be pluralitie of votis, was chofin Moderatour hac vice.

[Mr Davidfon, Minifter at Saltpreftoun, and a member of the Prefbytrie of Hadintoun, produced the advice of that Prefbytrie, touching the heads of the letter fent from the Commiffioners of the Generall Affembly to them. The tenor whereof followeth :

Touching the two heads proponed be the Commiffioners of the Generall Affembly to their brethren, to advife upon againft this Affembly ; viz. Of univerfal repentance, and earneft turning to God : And of order taking for refifting the enemies, and maintainance of the liberty of religion and country.

Our advice in the firft is, That yet once at the laft, the chief and grofs fins of all eftates, which procure this prefent wrath of God, be agreed upon

by name severally, and acknowledged by this Assembly, for the more easie provocation of the whole body of this realme to earnest repentance, and speedy turning away from the sins foresaid; for as John saith, If wee acknowledge our sins, God is faithfull and just to forgive us our sins: otherwayes, if in so great a multitude of our iniquities, which this day answer so plainly to the faces of all estates of this realme, wee say one still with the unhappy Jewes, as hitherto wee have done, Wherein have wee sined: what else do wee, but as desperatly they did, and said in the days of Jeremy, Surely wee will walk after our own imaginations, and doe every man after the stubborness of his wicked heart. And so as it is said in the Law, The Lord will not be mercifull vnto us, but will shew us the back, and not the face, no not though Moses and Samuel would pray for us in the day of our destruction.

And to begin at ourselves of the Ministry, That wee acknowledge our publick transgressions in our persons, and office particularly, whereof the catalogue is in readinesse to be seen, according to the admonition of the Lord by his prophet, saying, Let the priests, the ministers of the Lord, weep between the porch and the altar, and let them say, Spare thy people, O Lord, &c.; lest it be found according to the saying of the Apostle, That wee that teach others, teach not ourselves, and so be found reprobats.

Next, That this Assembly agree upon the true and right taking up the sins of our Princes, and Magistrats superior and inferior; and on the found means to deal with them duetifully and faithfully, without all flattery, for their true amendment, according to Gods command to the prophet, saying, Say unto the King, and to the Queen, humble yourselves, sit down, for the crown of your glory shall come down from your heads; for their sins are not the least cause of the plague of God on the people, as by David, Manasses, and others may be seen.

Thirdly, and last, That the most notorious sins of the whole body of the people in burgh and land, be given in, and acknowledged, and order taken for the speedy ammendement thereof by the Ministry and Magistrats, according to the examples of Josuah, Jehosaphat, Ezekias, Josias, the King of Niniveh, Constantius, Constantine, &c., the Prophets, and Apostles, &c. The catalogue over easy to be made.

As for resisting the common enemy, which is the second, our judgement is, That the found following out of the former advice touching the first, shall make an easy way for the second; otherwayes, which God forbid, it

will be but lost labour to travell much in that matter; yet wishing and hoping the best, wee have remitted the particulars of that matter, and our advice thereanent, to the Commissioners of this Presbytrie, who faithfullie (wee doubt not) will discharge their duty in the same.

This advice was approved be many, but withstood be some, namely, the Moderator himself, Mr Robert Pont, who alledged, that the first and chief motive of their convening was to consult upon their withstanding the Spainards. The Commissioners letter was read, and it was found that Mr Davidson had said right.

Mr Davidson was appointed to give up the particular catalogue of the chief offences and corruptions in all estates.

He presented the catalogue of offences in Ministers, upon Wednesday before the Assembly. Mr Andrew Melvill desired to be added, The censure answerable to the offence. Whereupon Mr Nichol Dagliesh, Peter Blackburn, Walter Balcanquhall, John Mackquhern, Adam Johnston, John Knox, James Law, John Johnston, and Mr Davidson himself, were appointed to goe apart, and to consider what offence merited admonition, what deprivation; which they did. C.]

Sessio 4<sup>a</sup> 25 March. [1596.]

[Upon Wednesday the 25 of Marche, the King came himself to the Assembly. He urged a contribution of the whole realme, not to be lifted presently, but when need should require. The Moderatour expounded to his Grace, the two heids quherin the Kirk hes hitherto bein occupied, and how farre els it hes proceidit, viz. First, The substantiall heid, [for] moyen how to resist the enemie, quhilk was verbo recited be my Lord Kinlos, for the rest of the number deput to advyse therwith; and next, concerning the purgatioun of the Kirk of offences: And because the first is not get thoroughlie concludit, the Assembly thocht it expedient that the Barones and Ministrie quhilk mett thervpon, take farther resolutioun afternoone, and present thair advyce to the Assemblie in wryte. C. & B.]

His Majestie thereafter proponit the lamentable diffordour of the geirlie alteratioun of the platt [appointed for the modification of Ministers stipends,] and therfor desyrit that ane constant platt sould be made, quherunto his Majestie was most earnestly bent. The Assemblie hes thought meit

befor any thing be concludit therin, to fie the act of Parliament made in the geir of God 1592 geiris.

Sessio 5<sup>a</sup> Eodem die.

Overtures for resisting of the enemies of the religioun and estate of the countrey, asweill forraine as intestine.

First, That all sic that hes kythit in actioun with his Majesties forfaultit rebells, and thair knowin favourers and assisters, be chargeit to enter thair persons in ward, ther to remaine ay and quhill they find sufficient caution, that they fall not traffique nor intertaine intelligence with the saids rebells, nor any vther enemies to the estate or religioun, neither fall joyne with them nor make them any assistance, in cace they repare within the countrey; and that they give thair eldest sonnes or neirest freinds in pledgis for the [maire fure] observing heirof.

2. That the haill livings of the forsaids rebells to his Majestie, be exactlie tane vp be his Majesties officers to be appoyntit for that effect, and to be imployit for the intertainment of hyred men, for defence of the good cause against the enemies, and for bearing of vther charges necessar for the advancement of the said cause, as ane of the effectuell meanes to encourage all such as are knowin to be weill affectionat to the cause, and to procure thair anefald concurrence to the vttermoost.

3. That ther be chosin in every paroch be his Majesties autoritie, and vott of the Minister, Sessioun, and Principalls of every paroch, Captaines knowin to be most meitt [and of best affectioun,] to conveye the haill paroch in armes monethlie in mustures, and to fie that they be all sufficiently armeit according to thair abilitie, and trainit vp in the exercise of thair armes: And sicklyke that ther be chosin Generall Commanders in diverse quarters and shyres of the countrey, to conveye in armes at all occasiouns neidfull, to resist all attempts and interpryses of the enemye forraine and intestine.

4. That some substantiall ordour be takin for bringing hame sufficient number of corlletts, musketts, picks, and vther armour neidfull; and that the samein be brocht and receivit aff the merchands hands with all expeditioun.

Laſt, That the haill cautioners that became bound for the good behaviour of the ſaids rebels without the countrey, be chargeit befor the Counſell, and convict of the penalties conteinit in the acts of the cautionrie ; and that the ſaids penalties be imployit vpon the ſuſtentatioun of hyrit men, and vthers burdens neidfull for the weill of the cauſe.

Sefſio 6<sup>a</sup> 26 March.

Forſameikle as the towne of Edenburgh hes takin purpoſe and labour in divyding of their populous congregatioun, and hes made good progreſſe therin to the good example of the countrey ; nottheles the worke remains imperfyte in a part, through not diviſioun of the Auld Kirk be a parpall wall, being verie commodious and litle expenſive : Therfor the Affemblie directit my Lord of Kinloſe, the Kings Majeſties Commiſſioner, the Lord Sinklair, the Juſtice Clerk, Mrs Peter Blackburne, James Nicolfone, Andro Melvill, [to] the Counſell of the ſaid burgh, immediatlíe from the Affemblie, to exhort and requeiſt the Counſell to further and perfyte the good beginning, and to divyde the ſaid kirk be ane parpall wall.

Quho returning back with the Bailgies of the towne, declarit that the Counſell, be reaſon this day of Law is not frequent, alwayes to the diviſioun be a parpall, hitherto they could not aggrie, being myndit to build the Tolbuith ; deſyreand the Kirk earneſtly to requeiſt the Lords and Colledge of Juſtice, quho hes land within the burgh, that they wald contribute therto : quhervnto the Kirk aggried, provydeing that they wald fall to preſentlie to the diviſioun be a parpall : ordaining the Bailgie to report the direct anſuer of the Counſell heirvpon, vpon Mononday nixt to come.

Ordaines ane article to be givin in to the Kings Majeſtie for eſtabliſhing ane act, annulling all taks ſett be Miniſters without conſent of the Affemblie.

Sefſio 7<sup>a</sup>

Anent contraverſies and deciſioun therof amongſt the Miniſters : The Kirk and Commiſſioners preſent ratifies the act made at Dundie heiranent,

and ordainit the same to be extendit to Reidars afweill as Ministers; and the paine of contumacie mentionat theirin to be deprivation.

Because the bounds of Nithefdail, Annandaill, and Galloway, are destitute of Pastors, the Kings Majesties Commissioners proponit to the Assemblie, that the Kirk wald take care to appoint some qualified men for the Ministrie ther, for whose provisioun and intertainment his Majestie wald take ordour.

Concerning the defectiouns of the Ministrie: The samein at length being red out, [reasonit,] and considerit, the brethren concludit the samein aggrieving therwith; and in respect that be Gods grace they intend reformatioun, and to sie the Kirk and Ministrie purgeit; to the effect the worke may have better successe, they think it necessar that this Assemblie be humblit for wanting such care as became them in such points as is sett downe, and some zealous and godlie brother [in doctrine] lay them out for thair better humiliatioun, and that they make solemne promise befor the Majestie of God, and make a new covenant with him for a more reverent and carefull dischargeing of thair ministrie: To the quhilk effect was chosin Mr John Davidstone, and Teusday nixt, at nyne houres in the morning, in the New Kirk, is appointit for that effect; quhervnto none is to resort but the Ministrie. The forme is to be advyfed the morne in privie conference.

#### Sessio 8<sup>a</sup>

[This commission following was given for visitation of Kirks.

For as much as it being considered be the Assembly and Commissioners present, to be a thing most necessar, that the most dangerous parts of the country, and where least, or no planting is, a visitation should be appointed to occurre the dangers already fallen out, or that may farther fall out if they be not prevented; and for the better planting of the Ministry, where as yet it is not planted: Herefor the Assembly has given and committed, and be the tenour hereof gives and committs their full power and commission to their loving brethren under written within the particular bounds after specified, according to the division following, to visit and try the

doctrine, life, diligence, and fidelity of the Pastors within the Presbyteries, where they are established already; and also in the bounds, where as yet no Presbyteries are planted; and therein to take inquisition and tryal, if there be any beneficed persons of the Ministrie not making residence, having no reasonable cause to purge the same; if there be any that have delapidated their benefices, sett tacks, or made to others dispositions of their benefices, or any part thereof, by the consent of the Generall Assembly; any slanderous, or unmeet to serve the Kirk of God: And if any such be found, to proceed against him according to the quality of the said offence, according to the acts of the Kirk; assuming to them such brethren of the Presbytrie, where they make tryal, as they think most zealous, sincere, and best affected to reformation, to assist them, with power alwa to depose such as are worthy of deposition be the acts of the Kirk, and place others in their rowmes. And where no Presbytrie is, the brethren appointed to the visitation of these bounds, to travell diligently to plant the Ministry therein, and to proceed in all the heads above written be themselves, with the like power of deposition with the former. The particular times of their visitation to begin as hereafter shall be appointed; and generally, in all things to proceed as the Assembly might doe, if they were present: That is to say, for the bounds of Orkney, Zetland, Caithness, and Sutherland, Mr Robert Pont, Mr Alexander Dowglafs, Minister at Elgin, Mr George Monro, Elder, to beginne their visitation the first day of June next: For Ross, Murrey, and Abberdeen, Mr James Nicolson, Mr Patrick Bleckburne, Mrs James Melvill, Andrew Melvill, with the said Mr Alexander Douglass, to begin their visitation the first of August next: For Angus, Mr James Balfour, David Lindsay, Andrew Muncraif, or any two of them, to begin their visitation the first of July next: For Kyle, Carict, Cuninghame, and the bounds of Galloway, Mrs Robert Bruce, Patrick Sharp, John Spotswood, to begin their visitation the first of July next; and the said Mr Robert Bruce place, in his absence, to be supplied be Mr Robert Rollock: For Nithsdale, Annandale, Lauderdale, Eskdale, and Ewisdale, Mr John Davidson, John Johnston, William Scott, John Carmichael, John Knox, and John Welsh; their visitation to begin the first of August next to come. And ordaines the Presbyteries which have no visitors appointed be this Commission, to be carefull in their own visitation while the next Assembly: Injoyning also the Presbyteries, out of which Commissioners are tane to visitation, and what the said



Commiffioners doe in execution of this commiffion, to report to the next Generall Affembly of the Kirk, &c. C.]

The tenour of the advyce of the brethren deput for penning the corruptions and enormities in the Miniftrie, and remeid therof, allowit be the Generall Affembly heir conveyit.

#### Corruptions in the Office.

Forfameikle as be the too fudden admiſſioun and light tryall of perfons to the Miniftrie, it cometh to paffe, that many flanders fall out in the perfons of Miniſters, it wald be ordainit in tyme comeing, that more diligent inquititioun and tryall be vſed of all ſuch perfons as fall enter in the Miniftrie, as ſpeciallie in thir points.

That the intrant falbe poſed vpon his conſcience befor the great God, (and that in the moſt grave maner,) quhat moves him to accept the office and charge of the Miniftrie vpon him.

That it be inquyrit, if any by ſoliſtatioun or moyen, directlie or indirectlie, preaſe to entir in the ſaid office; and it being found, that the ſoliſter be repellit, and that the Preſbitrie repell all ſuch of thair number from votting in the electioun or admiſſion as falbe found moyeners for the ſoliſter, and poſed vpon thair conſcience to declare the trueth to that effect.

Thirdly, Becauſe be preſentatiouns, many forcible are thruſt in the miniftrie and vpon congregatiouns, that vtters therafter that they were not callit be God, It wald be provydit that none ſeik preſentatiouns to benefices, without advyce of the Preſbitrie within the bounds quherof the benefice lyis; and if any doe in the contrair, they to be repellit as rei ambitus.

That the tryall of perfons to be admitted to the Miniftrie heirafter, conſiſt not only in thair learning and abilitie to preach, but alſo in conſcience, and feiling, and ſpirituall wiſdome, and namelie, in the knowledge of the bounds of thair calling, in doctrine, diſcipline, and wiſdome, and to behave him accordingle with the diuerſe ranks of perfons within his flock, as namely, with atheiſts, rebellious, weake conſciences, and ſick vthers, quherin the paſtorall charge is moſt kythit, and that he be meitt to ſtop the mouthes of the adverſaries; and ſick as are not found qualified in thir points to be delayit to farther tryall, and quhill they be found qualified.

And because men may be found meit for some places, quhilk are not meit for vthers, it wald be confiderit that the principal places of the realme be provydit with men of most worthie gifts, wisdome and experience, that none take the charge of greater number of peiple nor they are able to discharge; and the Assemblie to take ordour heirwith, and the act of the Provinciaill Assemblie of Louthiane made at Lynlithgow to be urgeit.

That such as falbe found not givin to thair booke and studie of Scriptures, not carefull to have bookis, not given to sanctificatioun and prayer, that studie not to be powerfull and spirituall, not applying the doctrine to his corruptiouns, quhilk is the pastoral gift, obscure and too scolaistike befor the peiple, cauld and wanting zeale, negligent in visiteing the feik, careing for the poore, or indiscreit in choosing of parts of the Word not meitest for the flock, flatterers, and difsembling publick fins, and speciallie of great personages in thair congregatiouns, for flatterie or feare; that all sick persons be censured according to the degries of thair faults, and continueing therin, to be depyvit.

That such as be slouthfull in ministratioun of the sacraments, and irreverent, as profaners, receiving cleane and vncleane, ignorants and sensles profane, and making no conscience of thair professioun in thair calling or families; omitting due tryall, or vsing none or light tryall; having respect in thair tryall to persons quherin there is manifest corruptioun: that all sick be sharply rebuikit, and if they continue therin, to be deposit. And if any be found a feller of the sacraments, that he be deposit simpliciter; and sick as colludes with slanderous persons, and dispensing and ovirfieing them for money, incurre the lyke punishment.

That every Minister be chargeit that he have a Sessioun establisht of the meitest men in his congregatioun, and that discipline strike not only vpon grosse finnes, as whordome, bloodshed, &c. but vpon all fins repugnant to the Word of God, as blasphemie of God, banning, profaining of the Sabbath day, disobedience to parents, idle vnrulie anes without calling, drunkards, and sicklyke deboshit men that makes no conscience of thair lyfe and ruleing of thair families, and speciallie of educatioun of thair children, lying, slandering, backbytting, flattering, and breeking of promises: And this to be ane vniverfall ordour throughout the realme; and such as are negligent, continueing therin after admonitioun, to be deposit.

That none falling in publick slanders be receivit againe in fellowship of the Kirk, except his Minister have some appeirand warrand in conscience,

that he hes both ane feiling of sin, and apprehensioun of mercie ; and for this effect that the Minister travell with him be doctrine and privat instructioun, to bring him heirto, and specially in the doctrine of repentance, quhilk being neglected, the publick place of repentance is turned in a mocking.

Dilapidatioun of benefices, dimitting of them for favour or money, that they become laik patronages, without the advyce of the Kirk ; and sicklyke, interchanging of them be transactioun, and transporting of themselves be that occasioun, without the knowledge of the Kirk, be precislie punished : Sicklyke, fetters of taks, without the consent of the Assemblie, be punished according to the acts ; and that the dimissioun in favours for money or vtherwayes to the effect above wrytin, be punischt as the dilapidatours.

#### Corruptiouns in thair perfons and lyves.

That sick as are light and wantoun in thair behaviour, as in gorgeous or light apparrell, in speich, in vseing light and profane companie, vnlawfull gameing, as dancing, cardeing, dyceing, and such lyke, not befeiming the gravetie of ane Pastour, be sharplie and gravelie reprovit be the Presbitrie, according to the degrie therof ; and continuing therin after due admonitioun, that he be depyvit as slanderous to the Gospell.

That Ministers being found swearers or banners, profaners of the Sabbath day, drunkards, fighters, guilty of all thir or any of them, to be deposit simpliciter ; and such lyke, liers, detracters, flatterers, breakers of promises, braulers and quarrellers, after dew admonitioun continueing therin, incurre the same punishment.

That Ministers givin to vnlawfull and incompetent trades for filthie gaine, as halding of hostlaries, taking of ocker besyd good conscience and lawis, and bearing worldly offices in Noble and Gentlemens houses, merchandise, and such lyke, buying of victuall and keiping to dearth, and all vther worldlie occupatiouns as may distract them from thair charge, and be slander to the Pastoural calling, be admonished and brought to the acknowledging of thair faults, and if they continue therin, to be deposit.

That Ministers not resident at thair flocks be deposed, according to the acts of the Generall Assemblie and laws of the realme ; vtherwayes the burdein to be laid vpon the Presbyteries, and they be censurit therfor.

That the Assemblie command all thair members, that none of them

awaite on the Court and the affaires therof, without the advyce and allowance of the Presbytrie.

Item, That they intend no actioun civill without the said advyce, except in small matters ; and for remeiding of the necessitie that some Ministers hes to entir in pley of law, that remedie be craveit, that short proces be devysed to be vsed in Ministers actiouns.

That Ministers take speciall care in vseing godly exercises in thair families, and teaching of thair wyves, children, and servants, in vsing ordinarie prayers, and reiding of the Scriptures, in removeing of offensive persons out of thair families, and such lyke vther points of godly conversatioun and good example ; and that they, at the visitatioun of thair kirks, try the Ministers families in thir points forsaids ; and such as are negligent in thir points, after due admonitioun, salbe judgeit vnmeit to governe the house of God, according to the rule of the Apostle.

That Ministers in all companies stryve to be spiritual and profitable, [and to] talk of things pertaining to godlines, as, namelie, of sicker as may strenthen them in Chryst, instruct vs in our calling, of the meanes how to have Chrysts kingdom better established in our congregatiouns, and to know [how] the gospell flourishes in our flocks ; and such lyke vthers the hinderances and the remedies that we find ; quherin ther is manifold corruptiouns, both in the companying with ourselves and with vthers ; and that the contraveiners heirop be tryit and sharply rebuikit.

That no Minister be found to countenance, assist, or procure for ane publick offender challengit be his awin Minister for his publick offence, or to beare with him, as thogh his Minister were too severe vpon him, vnder the paine of admonitioun and rebooking.

Anent Generall Assemblies : To urge the keeping of the acts anent the keeping of the Assembly, that it may have the awin reverence.

Sessio 10<sup>a</sup> 29 [Martii.]

Instructiouns to Mrs James Prestoun, and Edward Bruce, Commendatour of Kinlofs, his Majesties Commiffioners to the present Generall Assemblie.

Imprimis, Ze sall shew to the said Assemblie our good will to have all the kirks of Scotland plantit with Ministers, and sufficient livings appointit

to them, to the great hurt of our awin rent, and that portioun of the thrids quhilk was assignit to our house, and our Comptrollours in possession thereof: Bot seeing that the haill thrids is not sufficient to plant the haill kirks, nor get comodious to Ministers to serve in ane place, and have their livings to seek in another [very] farre distant from their cure: Therfor we thought good to sett forward ane ordour for locall stipends, founded vpon this ground, that all the kirks of Scotland should have Ministers, and all Ministers stipends within their awin paroches, of sick valour, as be our authoritie on the ane part, and concurrence and procurement of the Kirk on the vther, might be obtainit from the taksmen of teinds, present possessours of the said rent; for the quhilk effect we causit ane act of Parliament to be made in the zeir of God 1592, grantand commissioun to certaine Noblemen, Counsellors, Officers, [and] Ministers, on the vther parts, to intreat and prosecute this matter; and als hes givin command in particular, to certaine of our Lords of Checker to help, with their advyce and labours, to bring this matter to some perfection, quherin, as we vnderstand, ther is something done, as ane part of the brethren can [bear] record. Lyke as we, continueand in our good mynd in our tyme to have the kirks settlit anent their livings, and not intanglit geirly with processe, and our haill kirks plantit within this realme, be their presents, offers and promitts to the said Assemblie, to cause our Commissioners, Counsellours, and Officers, to convene presentlie, befor the expyring of this Assemblie, with the said Commissioners for the Kirk, to begin this good purpose, and to lay the ground, and sett downe the ordour, and tyme and place of conveying, to prosecute the samein to the finall end, conforme to the act of Parliament, so that the stay, (if any,) shalbe on the part of the Kirk, as it has bein of befor, and not on our part.

Item, Ze fall shew to them that it is a stay to this good worke, that be some of their preachings they wald make the peiple to vnderstand, that we and our Counsell stay the planting of kirks, and take away the present livings possesst be Ministers; albeit the contrair be of veritie, that We and our Counsell is most willing that the haill kirks be plantit, and the rents of the Ministers augmentit, so farre as lawfullie may be obtainit with consent of our Nobilitie, and vthers taksmen of teinds, whose rights, but ordour of law, We cannot impare; and therfor this forme of preiching discourages our good Counsellours most willing to this work, and is ane heaveie slander

vpon the Ministers themselves, quherin ge fall defyre ordour to be taine, that the lyke be not done in tyme comeing.

Item, Ge fall defyre these gour instructiouns in our name, to be registrat in the Books of the Affemblie, as ane perpetuall testimonie of our good will ; and als that anfuers be given, [in particular,] be ane generall voting of the haill Affemblie, and no wayes to be referrit to ane privat conference ; and the anfuers fa vottit to every particular heid to be registrat in lyke maner therwith, and the extract of all these articles and anfuers to be deliverit to gou, to report to vs again. Sic subscribitur,

JAMES R.

#### Sessio 11<sup>a</sup>

[Upon Tuesday the 30 of March, the Ministers and other Commiſſioners conveened in the Little Kirk at nine hours, the one kirk door being ſhutt, and the other ſett open for a certain ſpace, whereby it came to paſs, that few were preſent, except the Miniſtry, the whole number amounting to four hundred perſons, all Miniſters, or choiſe profeſſors. After the firſt prayer, Mr Davidſon cauſed the Reader to read the 15 and 34 chapters of Ezekiel : which being done, firſt, he purged himſelf of ambition for that place ; yet ſeeing it pleaſed God, ſaid he, to move them to choiſe him the leaſt worthy, and unmeeteeſt in the number, to occupy the place of a teacher that day, they were not to look, that he came there to be cenſured of them, but to uſe the authority of a teacher as to diſciples in that reſpect ; and yet did not take from them the liberty that God gave them to try the ſpirits, whither they were of God or not. He ſhewed, that the end of that convention was the confeſſion of their own ſins, who were Miniſters, and promiſe of amendment in time to come, and ſo to enter into a new league with God, that being ſanctified by repentance, they might be the meeter to provock others to the ſame ; that they ſhould not think it needleſs nor ſtrange to enter in examination of themſelves guilty of the imminent judgment. They were to conferr, and compare themſelves, their learning, geal, godlineſs, multitude, dayes, times, occaſions, and helps, or rather wants, with the Prophets of former times, namely the Prophets of theſe dayes, whereof theſe two chapters treated, and ſee what priviledge they have more than they had ; and why among their multitude *pro re nata*

there might not be as many false prophets, and as few true and sincere, as were in these dayes. He amplified this head, and said by preterition he would not be rhetorical in discourse; and yet he was very moving in application to the present times, so that within an hour after they entered in the kirk, they looked with another countenance, than that wherewith they entered. He exhorted them to enter into their privy meditations, and to acknowledge their sins, with promise and purpose of amendment. So while they were humbling themselves for the space of a quarter of an hour, there was such sighs and sobs, with shedding of tears, among the most part of all estates that were present, every one provoking another by their example, and the teacher himself be his example, that the kirk resounded, so that the place might worthily be called Bochim; for the like of that day was never seen in Scotland since the Reformation, as every man confessed. There have been many dayes of humiliation for present or imminent dangers; but the like for sin and defection was there never since the Reformation.

After the prayer and publick confession, he treated upon Luke 12. 22, with rare assistance of Gods Spirit, to the wonderfull astonishment, and casting down, and to the raising up again of the brethren. The exercise continued till near one afternoon. When the brethren were to dissolve, they were stayed by the Moderatour, and desired to hold up their hands to testify their entering into a new league with God.

#### Sessio 12<sup>a</sup>. Penultimo Martij.

Forfameikle as the brethren of the Ministrie conveyit in this Generall Assemblie, hes with solemne humiliatioun acknowledged their sins this day, and negligence of their conscience befor God, and hes entrit in a new covenant with him, protesting to walk more warlie in their wayes, and to be more diligent in their charges; and seeing ane great part of the Ministrie is not present at this actioun: Therfor the Kirk commands the brethren of the Synodall Assemblies to make the lyke solemne humiliatioun and protestatioun as was observit be the Generall, at their next conveying; and so many as beis not at their Synodall, to doe it at the Presbitries.

Articles proponit be the Commissioners of the constant Platt to be advyfit and past in Acts be the Generall Assemblie.

First, It is thocht requisite be the saids Commissioners, and craveit, that the said Assemblie wald ordaine, that the Moderatours of ilk Presbitrie within this countrey, sould give presentations, jure devoluto, of all benefices of cure, belanging to laick patrones within their bounds, that hes not presentit qualified persons within sex monethis of the deceis of the last possessor therof; and sickerlyke, of benefices that fall vaik heirafter, in cace the saids patrones neglect to present within fixe monethis, to Ministers serving, or that fall serve the cure of the saids kirks, vnder the paine of deprivation; and that the saids Ministers accept their presentations, and persew [them:] And if ther be not actuall Ministers presentlie at the saids kirks, in that cace, that the said Moderatours deale effectually with vthers qualified persons, to accept the saids presentationis, and to prosecute the same in law.

That all beneficent persons, that are heir present in this Assemblie, be movit presentlie to interdyte themselves from all setting and disponing any part of their benefice to quhatomevir person or persons, without the speciall consent and allowance of the Generall Assemblie; and the interdiction to be subscrivrit be sicker as are present; and vthers that are absent, to be vrged be their Presbitries to doe the same, immediatlie after the dissolving of the Assemblie.

Because the kirks in diverse places of the countrey sustaines great hurt through the lack of qualified persons in the Ministrie, instructit and trainit vp in the Schooles of Theologie: Therfor it is craveit, that an act be made in this Assemblie, ordaining every Provinciall Assemblie to furnish a sufficient intertainment for a burser in the New Colledge of Sanct Androes, this 96 geir, and so furth, geirlie, in all tyme comeing; and that every Provinciall Assemblie fall have the priveledge to present the said burser so oft as the benefice or place fall vaik: And in cace ther be any of the Ministers sonnes within the Province, of merit graces for the said place, that he be preferrit to all vthers to the Ministrie; and after the expiring of his course in the studie of Theologie, that he be bound to imploy his travels within the Province, to the quhilk his graces may be answerable; and that it be not leifsum to the said burser to imploy his travells in any vther place, except be the speciall advyce and consent of the said Province.



Seeing the necessitie of the commoun affaires of the Kirk craves, that ther be a continuall travelling and attendance at Court, both for the furtherance of the present worke, quhilk is in hands, of the planting of the kirks ; as also of the continuall diligence of the enemie, waiting at all occasions, speciallie when they find any slacknes vpon the part of the Kirk, in the discoverie and resisting of the interpryses of the said enemie : Therfor it is craveit, that a care and burdein of the commoun cause be laid vpon some brethren be the Generall Assemblie, either of them that are residents heir about Court, or els of some vthers to be appointit in diverse parts of the countrey, because vtherwayes ther is none that finds themselves in conscience bound to have any care heirof, or to take any paines heirin.

To the first two articles the Assemblie aggreit.

To the thrid, The Assemblie ordainit it to be movit in the Provinces first.

To the fourt, Appoints Mrs Robert Bruce, David Lindefay, James Balfour, and James Nicolfone with them, quhen he is present.

#### Sessio 13<sup>a</sup>. Ultimo die Martij.

Anent the articles concerning thair Majesties persons and houses : The Assemblie hes nominat Mrs Patrick Galloway, James Nicolson, and James Melvill, to conferre with thair Majesties theranent.

#### Offences in his Majesties Houfe.

First, As strangers and vther good subiects repairing to the Court, hes bein confortit to sie Christian religioun religiouslie exerciseit ; so now they are somequhat troublit, seeing now the exercise of the reiding of the Word at table, and reverent saying of the grace befor and after meat, diverse tymes omittit.

That on the weik day the repairing to the heiring of the Word is mair rare then befor ; and that he wald be admonischit for hearing of speaches, in tyme of fermoun, of them that desyre to commoun with his Majestie.

Privie meditatioun with God in spirit and conscience, earnestly to be recommendit to him.

His Majestie is blottit for banning and swearing, quhilk is over common in courteours also, and movit be thair example.

His Majestie wald labour to have sicker companie about him as himselfe, according to his awin quhilk is gravelie to be recommendit to his Majestie to be put in practife. Robert Laud, and such as are suspectit, to be removit; especiallie murtherers, [Papists,] and profane persons.

The Queens Majesties ministrie to be reformat; and tuiching her companie, her not repairing to the word and sacraments, night walking, balling, &c.; and such lyke concerning her gentlewomen.

In respect of the report of the brethren of the North, that gentlemen and burgeffes are lyke to leave thair houses for feare of the enemies, seeing thair great insolence vnrepressed at home; the returning of thair wyves to the countrey againe, and thair provisions in thair houses and castells for thair home comeing, quhilk is murmurit against in all the countrie: For remeid, it is to be craveit that the Ladies of Huntlie and Erroll presentlie be brought back againe and placeit in Sanct Androes; my Lord Gordoun sicklyke to be brought to the South, and put to the schooles; thair freinds in the South to be wardit; and Cluny, Geicht, Abergeldie, Cowbairdie, Bonytoun gonger, Craig gonger, Alexander Hay of Auchmather, Mr Alexander Leslie of Peill, James Knowis, Johne Gordoun of Newtoun, [Towie Barclay, Patrick Conn,] to be apprehendit. And for this [effect] it was thocht good that some Commissioner, the Provest of Edinburgh, with the Laird of Wedderburne, be directit to the North, with the Kirks Commissioners already appointit.

The common corruptions of all Estates within this realme.

Ane vniverfall caldnes and decay of zeale in all Estates, joynit with ignorance and contempt of the Word, Ministrie and Sacraments; and quher knowledge is, no sence nor feiling, quhilk vtters itselfe most manifestlie be this, that they want religious exercises in thair families, as of prayer and of reiding of the Word; and quher the samein, for the most part abused and profanit be cuiks, stewarts, jackmen, and sicklyke; and the masters of families ashamit to vse thair exercises of godlines in thair awin

perſons ; and no conference at thair tables, but of profane, wanton and worldie matters.

Superſtitious and idolatrie maintainit, quhilk vtters itſelfe in keeping of feſtuall dayis, and boonefyes, pilgrimages, ſinging of carrells at Yoole.

Great blaſphemie of the name of God in all Eſtates, with horrible bann- ing and ſwearing in all thair ſpeeches.

Profanation of the Sabbath, and ſpeciallie in ſeid tyme and harveſt, and commoun journeying on the Sabbath, and tryſting on wardlie turnes, exerciſeing of all kynd of wanton gamis, keeping of mercatts, dancing, drinking, and ſuch like.

Little care, reverence, and obedience of inferiours to thair ſuperiours ; as ſicklyk of ſuperiours in diſcharging thair duties to thair inferiours ; as quher children pleyis in law aganis parents, and many of them maries aganis thair fathers [will and] conſent ; and no care of thair parents for thair education in virtue and godlines.

Ane flood of bloodſheds and deadlie feids ryſeing therevpon, and vniverſall aſſiſting of bloodſheds for eluding of lawis.

Adulteries, fornications, inceſts, vnlawfull mariages, and divorcements allowit be publick lawis and Judges ; and children begottin in ſuch mariages declairit to be lawfull ; [exceſſive] drinking, waghting, and gluttony ; quhilk is no doubt the cauſe of this [great dearth and] famine ; [and] gorgeous and vaine apparrell, filthie and baudrie ſpeeches.

Sacriledge in all eſtates without any conſcience, growing continually mair and mair, to the vtter vndoing of the Kirk, and ſtaying of the planting of the goſpell.

Cruell oppreſſioun of the poore tennents, quherby the hail commouns in the countrey are vtterly wrackit, be extreame dear ſetting of thair rowmes, and halding out of thair cornes by vntymeous teinding, and extreame thraldome in ſervices.

Oppreſſioun vnder pretext of law, be viurie, and be contracts againſt law ; foreſtalling of mercats, and regrateing be gentlemen, burgeſſes, and commouns ; quherby pryces of victualls is mervailouſlie raiſed to the great hurt of the poore ; and ſicklyke be girnelling of victualls, and withholding them from the mercatts, and not threſhing of them out in due tyme.

Ane great number of idle perſons without lawfull calling, as pypers, fidlers, ſangſters, ſorners, pleaſants, ſtrang beggars, living in harlotrie, and having thair children vnbaptizit, without all kynd of repairing to the word.

## Offences in the Court and Judgement Seat.

Vniverfall neglect of iustice both in civill and criminall causes, as, name-lie, in granting of remissions and respitts for blood, adulteries and incests; no executioun of good lawis made against vyces, or in favour of the Kirk; and in civill matters, the Judges, for the most part, vnmeitt, either in respect of the want of knowledge, or conscience, or baith; and quhen any office vaikes, the worst men advancit therto, both in high and inferiour rowmes.

No executioun made against the adherents of the detected enemies, and the enemies themselves, nor imploying of thair livings to the [vse of] resisting of the enemies, quherby the enemies are rather benefitit nor hurtit.

The odious murther of Dunnibirsle not punischt.

In Parliaments, sacrilegious persons, as Abbots, Pryours, dumb Bischops, voteing in name of the Kirk, contrair to the lawis of the countrey, quherby the cause of the Kirk is damnified.

The Sessioun is chargeit with buying of pleyis, delaying of iustice, and bryberie, quhilk is evident by extraordinar and suddan conquests.

Greives to be humblie meanit to his Majestie, in name of the Generall Affemblie, be thair Commissioners, touching the principall offences in the estate of the countrey, that, be his Majesties counsell and authoritie, sufficient remedie in tyme may be provydit thervnto.

First, It is humblie meanit to his Majestie, that, to the great hazard of religioun, and peace of the countrey, and greife of all good men, the forfaitit rebels, and enemies of his Majesties estate, inioyes thair lands and livings als peaceablie, and to thair greater advantage, then if they were at his Majesties peace within the countrey; and thair confederats and freinds, partakers and assisters with them in thair treasonable attempts, are sufferit in so great a libertie, nevir having once so mikle as entrit thair persons in ward, or givin pledges and suretie for thair good and duetiefull behaviour and obedience to his Majestie, in cace it fall happin the said rebels, or any forraine enemies, to repaire within the countrey for disquyeting of the estate therof; as if they [had] immunitie and exemptioun from all lawis, to confirme themselves for strenthening the hand of the enemies,

quhen they happen to arrive ; as it appeirs thair intencion is, by [thair] preparatioun of force and armour, and leagues of friendship quhilk they are daylie binding vp.

Diverse Jesuites and excommunicat Papists are intertainit within the countrey, deteining such as they have pervertit in thair errorrs, and induceing vthers in the samein corruptioun ; and halding them in hope of [the] returning of the Papists Lords, with assistance of strangers ; as, namelie, Mr Robert Abercrombie, Mr Alexander M<sup>c</sup>quhirrie, Abbot of Newabbay, Johne Gordoun of Newtoun, the zong Laird of Bonytoun, Mr Alexander Leslie of Peil, Patrick Con, Alexander Ramsay, and diverse vthers.

That in many places of the countrey, for lake of provisioun of sufficient stipends for provisioun of Pastours, the peiple lyis altogether ignorant of thair salvatioun, and duetie to God and the King, quherthrow the land is overflowit with atheisme and all kynd of vyce ; ther being above foure hundreth paroch kirks destitute of the ministrie of the word, by and attour the kirks of Argyle and the Yles.

It is regratit vniverfallie be his Majesties lieges, that throw the delaying, perverting, and eluding of justice, murthers, oppressions, incest, adulteries, and all [kynd of] haynous crymes abounds.

It is to be heavilie meant, that the brethren of the Ministrie, that hes gottin any meane provisioun or help be the assignatioun [made] lxxxxv zeirs, are delayit and refusiit of justice, be the Lords of Sessioun refusand to decide thair suspensiouns according to the act of Februar 1587.

Articles to be proponit to his Majestie for remeid of the former greives.

For remeid of the former greives, it is humblie to be craveit of his Majestie, that the lands of the forefaultit rebels be disponit to sick as are knowin to be most meitt, and of best affectioun, to resist the enemies of religioun, and of his Majesties Estate, both forraine and intestine : And in the meane tyme that thair livings be takin vp, and intronettit with be his Majesties officers, and imployit vpon the intertainment of wagit men, and vther necessar vses, for the mantenance and advancement of the good cause ; and that the Ladies of Huntlie and Erroll be chargeit to come south, and make thair residence in Sanct Androes, that they be no more a receipt

and encouragement to the enemies, as they are presentlie, be thair subtille forme of practife, quhilk they have vsit this zeir by past, to the confirming of thair freinds and confederats, and intyng of vthers quhom they might seduce to thair purpose, and open violence to such as refuses to yeild to thair course; and that the Ladie Huntlies eldest sonne be brocht fouth, to be traint vp in the knowledge of good letters and religioun; and that the Lairds of Clunie, Gicht, Abergeldie, Cowbairdie, Craig zonger, Alexander Hay of Auchmatie, Buckie, James Knowis, Towie Barklay, Patrick Con, and the rest of thair principall freinds and confederats, that hes kythit with them in actioun, in thair treasonable interpryses against his Majestie, be chargeit to come fouth, and entir thair persons in some sufficient ward, ther to remaine ay and quhill they find sufficient catioun vnder the paine of great fowmes, that they fall neither traffique, intercommoun, supplie, nor intertaine intelligence, or give any kynd of assistance to any of his Majesties rebels, or [any vther] enemies of religioun [quhatsumevir,] and give sufficient pledgis of thair sonnes and neirest freinds to that effect.

That his Majestie give commissioun to some of his speciall servants, and vthers that are knawin to be of [abilitie and] good affectioun, to seik, searck, apprehend, and present before his Majestie, Mr Robert Abercrombie, Mr Alexander Mcquherrie, the Abbot of New Abbay, Alexander Ramsay, the zong Laird of Bonytoun, Alexander Leslie of Peile, Johnne Gordoun of Newtoun, and vthers, Jesuites, and excommunicat Papists, as thair names falbe givin in a roll.

That his Majestie wald prosecute his good purpose and intentioun declairit befor the Assemblie, anent the planting of the haille kirks within the countrey, with qualified Pastours, and sufficient provisioun of stipend for thair intertainment; and for that effect, that he wald give commissioun to the visitours nominat be the Generall Assemblie, to take inquisition of the estate of all the kirks within the bounds of thair visitatioun, and to deal with the tackismen and possessours of the teyndis, in his Majesties name, for sufficient provisioun to the Ministers, out of the rent of every paroch, and to report the samein to his Majesties Commissioners appointit for the wark of the Platt, in the act of Parliament, and provyde some honest moyen for the intertainment of thair charges in the journey.

That his Majestie take ordour substantially be advyce of his Counsell and Estate, how the principall Judgement seats and vther inferiour Judgements may be purgeit of vnqualified and corrupt persons, and filled with vthers

meit to discharge that calling faithfullie, for the comfort of his Majesties peaceable and well disposed subiects.

That his Majestie wald command [and ordain] the Lords of Sessioun to minister justice to the brethren of the Ministrie, that hes gottin any augmentatioun of thair meane stipends or new provisioun by the Commisioners appointit be his Majesties Commisioun the 1595 [geirs,] and that according to the act of Februar 1587, as they are bound by thair solemne aith and promise ; seeing the extraordinarie dearth vrges them with so great necessity, that vnlesse his Majestie have some consideratioun of thair estate, they and thair families will be driven to extreame povertie and want.

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[The new and constant Platt of planting all the Kirks of Scotland, penned to be presented to the King and Estates, anno 1596.

Our Soverane Lord, with consent of the three Estates in Parliament, understanding that be the law of God it is expressly commanded, as also for intertainment of religion and Gods service, it is more nor necessar, that the Ministers of his holy word have sufficient rents for their honest sustentatioun ; considering also that the rents and patrimony, which of old pertained to the Kirk, is greatly damnified and exhausted be annexation of the whole temporalitie thereof to his Hienes Crown, and be erection of a great part of the said temporal lands of the Kirk, with diverse kirks, and tithes included therewith, in new temporal Lordships ; and be the new fashoun of setting of long tacks of the said tithes for divers nineteen years and life rents successivé, for payment of small silver duety, no wayes equivalent to the half of the reasonable valour of the said tithes ; and be the pretended rights of many pensions, life rents, assignations, and other dispositions of the saids tithes, and duetie of tacks ; and be his Majesties right of the thirds, superplus, commoun kirks, first fruiets, and fyft pennie of every benefice, rights and disposition of the same, proceeding from his Hienes after his perfect age, and from his Graces predecessors, for the most part ratified in Parliament, whereby there is no moyen left presently to augment the small stipend of a poor Minister, albeit he had never so great ne-

cessity, nor yet to plant anie new Minister at anie congregation, albeit the most part of the parish kirks of Scotland are altogether destituted of all exercise of religion; and that there is a great number of Ministers not provided, but wanting upon some special charge and vocation; lyke as a great number of good schollers of the youth of this realme, for the like poverty, is compelled to pass to France, to the great danger of apostacy from religion, whereas otherways they might be profitable to the Kirk, and might be honestly intertained upon the said tithes; which tithes, not only before the written law of God, and thereafter be expresse commandement of the same, but also be the consent of all nations, and specially of this realme, have ever pertained to the Kirk, whereby of all reason the Kirk having no other patrimony, ought to be maintained in the right and possession of the said tithes, at lest ay and while they be sufficiently provided otherways; conform to the which divers acts have been made in Parliament, That before the new provision of anie Prelat, the Ministers at the kirks and parishes united to the said Prelacie, should be first provided to sufficient stipends, otherways the provision of the Prelacy to be null: And likeways in the tenth act of Parliament holden 1567, it is ordained, that the whole thirds be first imployed to the use of the Ministers, ay and whill the Kirk come in possession of their own patrimony, which is the tithes: and also in the said act of annexation, and divers other laudable acts, it is expressly provided, that the Ministers should be sufficiently provided of livings furth of the best and readiest of the spiritualities; and that they should be provided in title to all small benefices, that they should be provided to manfes and glees for their residence at their kirks; and that laick patrons should provide qualified persons: which acts have not tane fully effect, but on the contrair the livings of the said Ministers left uncertainly to be sought from year to year, at his Hienes Exchequer, out of the thirds with infinit process in law, be reason of the manifold disposition of the thirds to other laick persons, proceeding from his Hienes as having right to the whole thirds, commoun kirks, superplus, fyft pennie, and temporalitie of ilk benefice, and be reason of the collation of benefices pleno jure to persons no wayes qualified, contrair to the good meaning and intention of the foresaid acts of Parliament, to the utter wrack and destruction of the Kirk be plain povertie, as the professed enemies of Christ would have done of old, if speedie remedy be not found: Therefore his Hienes remembring that there is nothing more proper to his royal office, nor to



be nurisher of the true Kirk, and to be carefull of the advancement of the true religion, and continuing thereof to the posterity, with consent of the Estates in Parliament, be the tenor of this act declares, that the whole tithes of this realme, both Personages and Vicarages, as well united to Prelacies and other dignities, as not united, and other tithes whatfomever, have pertained in all times bygane, and shall pertain in all times, to the Kirk as their proper patrimony : and of new, with consent foresaid, giveth, granteth, and disponeth, and perpetually mortifieth the said tithes of all Personages, and Vicarages, and other benefices whatfomever, within the realme, to the Kirk to remain therewith, as their own proper patrimony, conform to the tenor of this present act, in all time coming : And, with advice foresaid, statuteth and ordaineth, that the Lords of Exchequer, with such of the Ministry as shall be appointed hereunto, being of equal number with the said Lords, shall modifie and assigne out of certain touns of every parish, a certain quantity of victual of the teind shaves thereof, and other duties of the Vicarage, as the nature of the ground may pay, with the manse, and whole gleeb land, if the same remain yet unfewed ; and if the said glebe be fewed, four aiker of the said gleeb, whither the same be of the Parsons, Vicars, Bishops, Pryors, or Prioreffes, Deans, and Subdeans, Abbeys, or any other Kirk Land, for the gleeb, as a local stipend to every parish kirk of this realme, without exception, for sustentation of the Minister thereat sufficiently and honestly in all respects, of the fruiets of the parish itself, notwithstanding the said kirks be annexed to Prelacies, or other benefices, or not doted to Colledges, or Universities, or otherwayes pertaining to old possessors of whatfomever degree, or to Ministers newly provided in title therto at the Kings presentation, or laick patrons, divided amongst many Prebendaries, Deanries, or Chaplanries, or not divided commoun kirks, or other whatfomever qualitie, or condition the said parish kirk has been of, or be whatfomever manner of way the tithes thereof have been bruiked in times by past, and notwithstanding all and whatfomever right his Majestie may have, or pretend to the thirds, superplus, first fruits, and fift penny, of the said benefices ; and notwithstanding of all pensions, tacks, assignations, life rents, erection of the said tithes, or any part thereof in a temporal Lordship, provision to Prelacies, or other benefices, unions, or divisions of the said parishes, and other dispositions of the said tithes, or any part thereof whatfomever, proceeding from his Majestie, or his predecessors, after his or their perfect age, confirmed in Parliament

with whatfomever folemnity or otherwayes, to whatfomever Caſtles, Colledges, Univerſities, or particular perſons of whatfomever degree : And notwithstanding of whatfomever other tacks, penſions, life rents, ſewing of the ſaid tythes, with lands, and ſewing of the ſaid gleebes, and other diſpoſitions whatfomever, made be Prelats, or beneficed perſons, with conſent of their Chapters, to whatfomever particular perſon, Colledge, or Univerſity, for whatfomever ſpace of years, or yearly duty : And notwithstanding of the priveledge of the Lords of Seſſion, and acts of Parliament, and other laws bygane, unions, annexations, and incorporations of ſeveral pariſh kirks to a Prelacy or other benefice, or diviſion of the fruits of a pariſh among many Prebendaries, or Chaplanries, or others ; and notwithstanding all other impediments which any way may ſtay the full execution of this preſent act : Declaring all and whatfomever the ſaid proviſion of benefices, unions, incorporations, diviſions, tacks, penſions, life rents, erections, and ſewing of tithes, manſes, gleebes, priveledges, acts, lawes, and former conſtitutions, and other diſpoſitions whatfomever of the ſaid tithes, manſes and gleebes, proceeding from his Majeſtie, or his Majeſties predeceſſors, or whatfomever other beneficed perſon, with whatfomever ſolemnity, to be null in time coming, in ſo far as they may make any prejudice to this preſent act, and to the particular local aſſignation of ſtipends to be aſſigned to every pariſh kirk, conform thereto, and to the full execution thereof, but any other reduction or declarature of law : With power to the ſaids Lords and Miniſters to take true tryal of the valour of the ſaid tithes ; and to appoint, ordain, and aſſigne the ſaids perpetual local ſtipend at every pariſh, out of ſuch ſpecial touns and lands of the ſaid pariſhes ; and to unite ſeveral pariſhes in one, to diſſever one in moe, with conſent of the parochiners ; and to make a ſpecial book thereupon ; and generally to doe all things neceſſary for this effect : Which local aſſignations of ſtipends and tithes whatfomever of the particular towns and lands to be ſpecified therein, ſhall pertain as freely to the Miniſter of the ſaid pariſh, as if he had been provided of old in title thereto : with power to the ſaid Miniſter to collect, gather, and intromett with, and to make warnings and inhibitions againſt the poſſeſſors of the ſaid tithes, manſes and gleebes, with as great effect as any Parſon, or Vicar, or any other beneficed perſon might have done in any time bypaſt, notwithstanding all impediments foreſaids, and other whatfomever, but prejudice of the ſaids Miniſters rights to the whole remanent of the ſaid benefices, when the ſame ſhall vaike, and fall in their hands, be de-

cease of the present possessors, reducing or expyring of tacks, or other ways whatsoever, and of the free disposition thereupon, as accords of the law, and conforme to this present act in all points. And for the better execution of the premises, our Soverane Lord, with advyce foresaids, dissolves expressly all and whatsoever unions of several parish kirks to Prelacies, benefices of dignity and others, and suppresseth and abrogateth the name and stiles of the said Prelacies and dignities, and unites of new the tithes of every parish, where the same were divided of old amongst many Prebendars, Chaplans, and others, in a whole benefice; and ordaines that Ministers be provided in title to every parish kirk in particular, which was before united to Prelacies now vacant, or which have vaiked in his Graces hand, since the Parliament holdin at Edinburgh in anno 1584, or which fall in any wise hereafter vaick be demission, deprivation, or other ways whatsoever; and to all other several parishes vacant, both to the Personage and Vicarage thereof, with the manse, and gleeb of four aikers of land, conform to the former acts made anent the said gleebes and manses; at the which kirks the said Ministers shall be obliged to make their residence, and shall have intromission with the fruits thereof, conform to this present act, and book of perpetual modification of the local stipends to follow hereupon: and after their decease, demission, or deprivation, the other qualified persons to be presented thereto be his Hienes and his Graces successors, and be others having the right of presentation and patronage thereof; and that no new Prebendars shall be provided after the deceas of the present possessors, but the rent to accresce to the living of the Minister, conforme to this act, &c.

And becaus it is most necessar that the saids local stipends be of a certain quantity, according to the nature of the ground, and out of certain special lands most ewest to the kirk, and commodious to the Minister, that the Minister may know of whom to crave his duetie: And seing it is impossible to the Lords of Exchequer to know what lands to appoint for payment hereof, be reason they know not, neither the names of the lands, nor valour of the teind shaves of every particular toun and land within this realme: Therefore his Hienes, with advyce forsaids, ordaines, that every Presbytrie within this realme, with advice of three Barons, or landed Gentlemen, who have their residence within the said Presbytrie, of good religion, and leif participant of Kirk rents, cholin be advice of the General Assembly, and failling the concurrence of the saids Barrons, that

the said Presbyters be themselves shall have power to estimate reasonably the valour of tithes, both Personage and Vicarage, of every particular town, and lands laying within each one of the saids touns, and parishes of their Presbyteries, and of the commodiousness thereof to the sustentation of their Minister : which estimation shall be published upon two several Sundayes, in time of divine service, in the said parish kirks ; with provision, that whatsoever party interested in any wise be the said estimation, and please to complain thereupon, shall have most summar remeed before the saids Lords of Exchequer, after summar cognition of the caus betwixt the said Presbytrie, and particular Minister of the parish kirk, and general Procurator of the Kirk, or others having interest on the one part, and the said partie compleaner on the other part.

Attour because the dilapidation of the rents of the Kirk has proceeded for the most part from the Kirkmen themselves, who had ower great liberty to sett such long tacks, and fewes, and for such dueties as they pleased ; the solemnity of ordinar Chapters serving not to restrain the said dilapidation, for which they were first instituted, but rather to authorize the same ; which Chapters for the most part be now worn out : Therefore, our Soverane Lord, with advice foresaid, statutes and ordaines, that no Minister or beneficed person shall have power to sett in tack, or to make any kind of disposition, alteration, or change in any wayes, the estate of the local stipends of the parishes, with whatsoever consent or solemnity ; neither to sett new tacks, or to renew old tacks of whatsoever other tithes of his parish, or any part thereof, or make whatsoever disposition of the same in tyme coming, without consent of the whole or the most part of the Presbytrie, wherein the parish lyeth, [assembled] at the ordinary day of convening, after reasoning two former ordinar dayes, anent the equity of setting, renewing, or making of the said tacks and dispositions : And declares, that the converting of victuals or other dueties [in siluer,] shall be expresse diminution of the rentall, and a cause of nullity and reduction : And for eschewing of antedeating of tacks and rights of tithes [whatsoever], and of the infinit time for which the same was sett in tyme bypast, his Hienes, with advice foresaid, ordains, that all and whatsoever tacks of whatsoever tithes sett in any time preceding the date hereof, for whatsoever longer time of many nynteen years tacks, or lyfe rents successive, shall endure only for the space of nineteen years after the date of the said tack ; with provision, that whatsoever nynteen year

tack, or life rent of tithes, which has not begun in the setters tyme, shall be null and of none avail, albeit another nineteen year tack or life rent contained in the same tack, has begunne or run out in the said setters time : and that all former tacks of tythes preceeding the date hereof, life rents, assignations, pensions, erections, fewes, and other dispositions of tithes, shall be produced before the Lords of Exchequer before the day of        next to come, and registred in the books of the Collectorie : at the lest so much of the said erections and fewes to be registred, as containeth the rights of tithes contained therein ; and the date of the registration thereof, and the person ingiver of the saids tacks and other rights, to be registred therewith in like manner, and marked and subscribed be the Collectors Clerk, vpon the bak of the said tacks and rights, for eshewing of all frauds which may be herein ; with certification, that the tacks, and other rights of whatsoever tithes, not registred, as said is, shall be null, and make no faith in judgment nor without : and that the imprinting or publication of this act, shall be sufficient intimation hereof, and of the certification foresaid, without any other special letters, &c.

Moreover, becaus the Ministers and other beneficed or laick persons, having the rights of tithes of other mens heritage, oft times unjustly trouble both themselves and the lawfull possessors of the saids tithes, with inhibitions, and actions of spoilzie, whereby they compell them to hight their tithes above the reasonable valour : Therefore our Soverane Lord, with advice foresaid, declares and ordaines, that whatsoever person is lawfully in the natural possession of tithes be leading and intrometting therewith, the heritage or present right of possession of the land being his own, and makes good and thankfull payment, within        dayes after ilk terme, of the duetie of the said tithes, conforme to the estimation above written, to be made be the Presbytries forsaids to the Ministers and others having right to the said tithes ; in that case, the said person shall be free of all action of spoilzie and danger which may follow upon inhibition led against him thereanent : provyding alwayes, that whatsoever person committ any violence in ejecting another furth of the natural possession of leading of tithes, shall be subject either to the action of spulzie, or the quadruple of the estimation foresaid, at the option of the partie ejected, as said is. Like as also it is provyded, that quher the right both of the property, and present right of the actual possession of the land, and als of the tithes, concurre in one mans person, it shall be leasome to him to use inhibitions, and, conforme to the old order, apprehend posses-

sion of his own tithes, paying always the duetie and valuation thereof to the Minister, or others having right ; in which case, the offer of the estimation foresaid shall be no relevant defence to rescind the natural possession of the tithes of another persons heritage ; and to eshew the danger of spulzie in prejudice of him who has the right both of the lands and tithes, as said is, and in favour of him, who has not present right to the actual possession of another mans land, nor yet of the tithes thereof. &c.

Attour, be reason that the said patrimony of the Kirk should also sustain and uphold schools and poor, with common affairs of the Kirk, and other godly uses : Therefore our Sovereign Lord, with advice foresaid, statutes and ordains, that a perfect rental be made of the superplus of the rents of every parish kirk, by and attour the foresaid local stipends, containing the rights, be the which the superplus of every benefice is possessed ; and that the Minister, albeit he be provided in title to the whole benefice, and have the collection of the whole fruits thereof, and liberty to reduce tacks and fewes, as any other beneficed person might have done of before ; yet the said Ministers shall not have the free disposition of the said superplus to their own use, but shall be comptable therefor to them who shall obtain the right thereof : and in case of their failzie in thankfull payment, or committ violence, they shall be subject to the danger of spulzies double or quadruple of the estimation foresaid, sic like as others that make not payment thankfully to the said Ministers themselves, conforme to the former article.

And as for the superplus of the rent of every particular parish kirk, by and attour the local and perpetual stipend appointed for the Minister, which superplus either presently pertaineth to the Kirk be vauking of the benefice or vtherwayes, or shall hereafter pertain, or fall in the Kirks hands, be expyring or reduction of tacks and other rights, decease of the present possessors, or otherways whatsoever, our Soverane Lord, with advice foresaid, ordaines and statutes, that the said superplus shall be disposed be the advice of the Lords of Exchequer, and brethren of the Ministry appointed for modification of Ministers stipends ; first, to the Colledges, and Lords of Session, and old possessors of the benefices, induring their life times, for so much as shall be tane from them be the present order ; next, that the common affaires of the Kirk be sufficiently sustained thereupon ; thirdly, that reasonable consideration be had of the poor, strangers, widowes, and orphans ; reparation of bridges, kirks, hof-

pitals, and other godly works : And if there be any rest, the same shall be collected, and kepted to the use of the Kirk, and at their disposition allenerly. And whatsomever particular person, Colledge, or other shall obtain assignation of any part of the superplus be the saids Lords and modifiers, their said assignation and letters thereupon shall be specially in quantity, and out of what touns and lands the same is assigned ; and the said letters shall be specially directed against the tennents and actual possessors of the said particular lands, and the Minister of the parish allanerly, so that no letters in time coming be directed generally against all and sundrie the parochiners, &c. ; and of the best and readiest of the fruiçts where the right whereupon the letters pass extends only to a part of the fruits, and not to the whole fruiçts of the paroich, as was of before, which was the occasion of great confusion.

And becaus the Prelacies in effect were before dissolved, the whole temporalities thereof being annexed to the Crown, and Ministers stipends ordained to be tane out of the parish kirks united and incorporated therewith ; lyke as be this order the whole spiritualitie and tithes are of new destinated, given and mortified to the Kirk, whereby the saids Prelacies are all utterly dissolved, and so ceas in time coming to be one of our Estates in Parliament : Therefore our Soverane Lord, with advyce foresaid, statutes and ordains, that in time coming every Presbytrie shall send, of their own number, a Commissioner to the Parliament, out of the which whole number of Commissioners the rest of the Estates shall choise so many as, being joyned with the old possessors of the Prelacies, who shall be present for the time, may make out the full and compleat number of them who have vote in Parliament for the estate of the Kirk, which number shall be equal with the number of any of the other Estates. And after the decease of the whole present possessors of Prelacies, the whole number of the Kirks Estate shall be elected, and tane of the said Commissioners of the Presbyteries, who shall have such vote, priveledges and liberties in Parliament, as the said Prelats had of before, &c.

And to the effect that the rights of no parties be further prejudged, our Soverane Lord, with advice foresaid, ratifieth all acts and statutes made of before in favour of the Kirk, in so far as the same agrees, or may in any wise fortify this present act ; and specially the act of Secret Counsell, Session, and Exchequer, upon the 14 of Februar 1587 : And in like manner, all acts and statutes made in favour of fewes, tacks, patronages, pensions,

erections and other dispositions of the kirk rents, in so far as they are not contrair or any ways repugnant to this present act, or full execution thereof: Which acts, together with all and whatsoever rights pertaining to privat persons and parties, such as sewes, provision of their benefices, erections, tacks, lyfe rents, penfions, patronages, assignations, and dispositions whatsoever of the tithes, shall stand in the same force as of before the making of these presents, excepting plainly in so far as they are expressly prejudged be the said local stipend to be appointed to every particular parish, conform to the tenor of this present Act, and Book of particular modification to follow thereupon, and other provisions and restrictions expressly contained herein. Lyke as our Soverane Lord, with advice foresaid, abrogateth all former lawes, acts, constitutions, practicks, and ordinances whatsoever, which may in any wise hinder, stop, or impede this present act and full force and execution thereof: and declares whatsoever shall be done in the contrair thereof, or any part of it, the failie and contravention shall be tryed; and the right disposition or other deed whatsoever, done contrair to the tenor hereof, shall be reduced and annulled, als well by way of exception, reply, or duply, as by way of action. Lyke as our Soveraign Lord, with advice foresaid, commands, that no Judge remitt to an action, or delay the proponer of the said nullities by way of exception, reply, or duply, but proceed instantly to the tryall of the said nullities, as said is.

Attour, becaus there are divers and fundry persons who presently bruike the rents of every parish kirk, our Soverane Lord, with advice foresaid, ordaines, that the quantity of the local and perpetual stipends should be equally tane from every one of the saids persons proportionally, at the lest every one to relieve others proportionally, according to the free profit which they receive of the saids tithes, at the discretion and summar cognition of the said Modifiers, who shall be only Judges herein, and shall try, judge, and cognosce summarly upon the equity of the relief betwixt the possessors of the saids tithes, such as where there is a Prelat, or old provided man, ane, or moe tacksmen or pensioners, new erected Lordships, with tithes included, with the sewes of lands, sewes of fermes, and whatsoever other variety there is of rights, be the which the possessor of the tythes of every parish respectivé bruiketh the same: and what relief the rest ought to make them, from whom immediatly the rights of the tithes are tane, which shall be assigned for the perpetual local



stipend of every parish kirk ; wherein also shall be considered the right which our Soverane Lord had to the thrids or any other parts of the benefices, together with such other actions, for the which his Majestie might have charged the possessors of the said tithes. Like as also the saids Lords of Exchequer, in making of the said relief, shall consider immunities, privileges, and rights, which parties had of before, and validitie thereof, with all other circumstances *ex æquo et bono*. And for this effect, our Soveran Lord, with advice foresaid, giveth power to the said Lords of Exchequer, and Ministers specially to be appointed, be his Hienes Commission, being always equal in number with the saids Lords, to interpret all obscurities, and to decide summarly all controversies, which shall arise upon this present act, and upon the foresaid relief, betwixt all parties subject thereto. C. & Melvills Diary.]

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A. D. M.D.XCVI.

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The Generall Affemblie haldin at Perth, the first day of Marche 1596, [the last of Februar: C.] Quher ther conveyit the Commissioners from all Presbyteries, according to his Majesties missive.

Sessio 1<sup>a</sup>.

Exhortatioun ther was none.

Anent the supplicatioun given in be Mr Thomas Nicolsone, Advocat, bearing that in respect he was admittit to be Clerk of the Generall Affemblie, in place of vmquhile Mr James Riche, last Clerk therof, be sevin of the Commissioners deput be the last Generall Affemblie, to intreat and conclude in the affaires of the Kirk, quhilk sould fall out [and intervene] betuixt and the nixt Generall Assembly, that, therfor, the Affemblie now conveyit wald admitt the said Thomas to the said office, and corroborat his admissioun with thair autoritie: The brethren conveyit, all in ane voyce, hes creatit and admittit the said Thomas de novo, and electit him to be Clerk of the Kirk, with power to him to vse and exerce the same, and all priveledges belonging therto, as frielie as any Clerk might have done at any time bygane.

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Sessio 2<sup>a</sup> 2 Martij.

Anent the commissioun direct be his Majestie to Sir Johne Cockburne of Ormestoun, Knyght, Justice Clerk, and Mr Edward Bruce, Commendatour of Kinlos, with all expeditioun, to repaire to the Commissioners of the Presbyteries of the Kirk presentlie convenit within the Kirk of Perth, and to inquire of them if they be ane lawful Generall Assemblie of the Kirk, and hes sufficient power of themselves to give answer, treat and conclude vpon such things as are to be proponit and intreattit in this present Conventioun, according to his Majesties warrand and missive direct to them be his Hienes to that effect, and to report thair answer, in wryte, theranent. The brethren present, after long reasoning and conference had anent the premisses, thinks that thair meiting is ane laufull Generall extraordinar Assemblie, be reason of his Majesties letter direct to the Presbitries and Provincials to that effect, and the Presbitries and Provincials commissioun given to meitt in the towne of Perth : and therfor are willing to heir quhat his Majestie will propone ; and to treat, conclude, and give answer theranent, conforme to the commissions with the quhilk they are authorizit be the Presbitries and Synodalls.

Sessio 3<sup>a</sup> 2 Martij.

The Commissioners deput be his Majestie proponit certaine heids and articles to the brethren to be resolvit and concludit in the present Assemblie, quherof the tenour followis :

Sen the quyetnes of the Kirk, and frieing of the same of slander, quhilk vpon the contrair effects wald necessarily follow, is the cheife butt and end, quherat his Majestie shoots in the conveying and halding of this present Assemblie : Therfor, for eschewing of faschious and langsome disputatiouns, quhervpon diverse vncomely contraverfies and debaits might arise, his Majestie hes thocht good to remitt the decisioun of a great number of the printed questions to a better opportunitie, to be reasonit in the meane tyme be sick as falbe authorizit be commissioun to that effect ; and for the present fall content himselfe with the decisioun of thir few articles follow-

ing, having made choise of name bot sicker as necessitie of tyme could not permitt to be delayit, without great harme and slander to follow.

1. That it be not thocht vnlawfull neither to the Prince nor any vther of the Pastours any tyme heirafter, to move doubts, reason, or crave reformation in any points of the externall policie and government or discipline of the Kirk, that are not essentiallie concerning salvation, or is not anfuert affirmativé vel negativé be any expresse part of the Scriptures; provyding that it be done decenter, in rycht tyme and place, [animo] edificandi non tentandi.

2. That sen the civill and politick government of the country belongs always and allanerlie to the Kings office and his Counsellours, and is no wayes pertinent to the spirituall Ministrie of the Word, that no Minister fall at any tyme heirafter meddle with the matters of the Estate in the pulpit, or with any of his Majesties laws, statutes, or ordinances: Bot if any of the Ministrie fall think any of them hurtfull to the religioun, or contrair to the Word, they fall privately complaine thervpon to the King and his Counsell.

3. That it fall not be lafull to the Pastours to name any particular mens names in the pulpitt, or so viuelie to descryve them as may be equivalent with thair naming, except vpon the notoritie of a cryme; quhilk notoritie man only be defynit be the guiltie persons being fugitive for the tyme, or being fylit by ane affyse, or excommunicat for the same.

4. That every Minister, in his particular applicatioun, fall have only respect to the edificatioun of his awin flock and present auditour, without expatiating vpon vther discourses no wayes pertinent for that congregatioun.

5. That everie particular Presbitrie salbe commandit to take diligent account of thair Pastours doctrine, and that he keip himselfe within the bounds of the premisses.

6. That summar excommunicatioun be allutterlie dischairegit as inept, and that thrie lafull citatiouns, at least of auct days interuall betuix every one of them, preceid the sentence.

7. That no Sessioun, Presbitrie, nor Synodall, vse thair censures vpon any bot them that are resident within the bounds committit to them; vtherwayes thair decreits and sentences to be null.

8. That all fumounds containe ane speciall cause and cryme; and nane super inquirendis to be fumound, quod est mere tyrannicum.

9. That no meiting nor conventioun be among the Pastours without his Majesties knowledge and consent; excepting alwayes thair ordinar Sessiouns, Presbitries, and Synods.

10. That in all the principall townes, Ministers be not chofin without the consent of thair awin flock and of his Majestie; and that ordour to be begun presentlie in the planting of Edinburgh.

11. That all matters concerning the rest of his Majesties questiouns be suspendit [unmedled with,] either in pulpitt or any vther judicators, quhill first all his Hienes questiouns be fullie decydit; and in speciall, that all matters importing slander come not in before them in the meane tyme, quherin his Majesties autoritie royall is hielie prejudgeit, bot only in causes that are meere ecclesiastick.

12. That seven or aucht of discreit wyse Ministers be autorizit be commiſſion, to reason vpon the rest of the questiouns, as opportunitie of tyme fall serve.

13. That they give commiſſioun to the Ministrie of the North to be at a point with Huntlie; and if he satisfie them, to absolve him.

And for the better anſwering of the faids articles, the Affemblie ordainit certaine brethren to be chofin out of every shyre presentlie conveynit, quho fould give thair advyce and overture vpon the faids articles proponit be his Majestie, and thereafter report the same to the Affemblie: They are to say, Mrs John Monro, Alexander Dowglas, Peter Blackburne, Johnne Strathanchin, Alexander Forbes, James Nicolfone, Andro Lamb, Alexander Lindſay, William Cowper, Thomas Buchannan, James Melvill, Johnne Spotiswood, Adame Colt, Thomas Storie, Andro Clayhills, Johnne Knox, James Bryffoun, Patrick Sharp, Gawin Hamiltoun, Alexander Scrymgeour, David Barklay.

#### Sessio 4<sup>a</sup>

[Anſwers to the Articles be the brethren appointed on the conference.

The brethren conveynit gave their advyce in the first article, That it is not expedient to make a law or act touching this, least a door should be opened to curious and turbulent spirits; otherwise they think it lawfull to

the King be himself or his Commiffioners, to propound in a Generall Affembly whatfomever points he defires to be refolved in, or to be reformed in *specie externi ordinis*, feeing *substantia externæ adminiftrationis ecclefiafticæ* eft pleniffime tradita in Sacris Literis : And as the Generall Affembly may accept of that from the King, fo may the Generall Affembly doe anent any thing that is done be his Hienes in any Convention, meeting, or Affembly convened be him hereafter.

2. Their advice to fecond article is, That laws already made, hurtfull to religion, and prejudiciall to the liberty of the Word, be declared to be expired, as the fame fhall be particularly condescended upon ; and no laws be made hereafter touching religioun without advice and consent of the Kirk, who are declared to be the third Estate of the country : and that no act whatfomever be made contrary to the Word, the preaching whereof the Pastours have concrated to them ; which if it fhall fall out (as God forbid) they think, that every Pastour, be advice of his Presbitrie, Synodall or General Affembly, should first complean and seek remedy of the same ; which remedy not being gotten, they should direct the force of the Word againft the same with all liberty. And as concerning matters of Estate, the brethren defires the explaining of this point of the article.

3. No mans name should be expreffed to his rebuke in pulpit, but where the fault is notorious and publick ; yet they esteem Notoriety must be defyned otherwayes than by being fugitive, and fyled by Affife, or excommunicated : for contumacy after citation, publick commiffion of murther, adultery, or the like, as was Bothwels coming to the Abay, the murder at Dunnybriffel, and many other of that fort, makes notoriety. As to the vive description, equivalent to the naming, it is hard to fet a law therto, feeing a guilty person will apply to himself, howbeit the Preacher never thought of him.

4. No Pastor should use application, wherein he has not respect to the edification of his own flock, and the present auditors.

5. It is the duty of every Presbytrie to take account of every Pastors doctrine, that he keep himself within the bounds of the Word of God.

6. In the Generall Affembly holden at Montrose, it was ordained, That every Presbytrie should seek out the warrants of summar excommunication pro et contra, and produce the same to be confidered in the next General Affembly ; and that decision might be takin therein, according to the Word of God. And feeing the Commiffioners from Presbyteries at this present

have not brought with them the saids reasons, it is best to leave this matter to the ordinar General Assembly. In the meantime the act of Montrose to be kept.

7. The General Assembly has appointed every offender to be censured in the place where he offendeth; which they cannot goe by, nisi in causa communi.

8. Fiat.

9. This article is against the meeting of Pastors necessar, as visitation of kirks, admision of Ministers, concurrence of brethren on the most lawfull errand, as in taking up of feeds, resolving of questions, and such lyke: Therefore, beside their Sessions, Presbyteries, Synods Provincial and General, the brethren think all meetings, for discharge of their office, ought to be allowed.

10. This article is answered be an act of the General Assembly, which statutes, that the principal touns shall be planted with Ministers be advice of the General Assembly, at the which his Hienes Commissioners are, and should be present.

11. This article imports a discharge of many points of our Discipline, so as it cannot be presently answered.

They gave their advice be word to 12 and 13 articles. C.]

Sessio 5<sup>a</sup> 4 Martij.

The brethren conveynit being desyrit be the Kings Commissioners, sent fra his Majestie to that effect, to repaire to the place quher his Hienes and Estates were presentlie sittand, to conferre anent the forsaid articles, they, at his Majesties desyre, resorted to the Counsell house; and ther, befor any farther reasoning, after his Majestie had discourfit vpon sick things as fould be proponit, protestit in maner as after followis:

Sir, Forfameikle as we are come hither to testifie to your Majestie our obedience, and to heir quhat falbe proponit be your Hienes to vs, with all reverence we protest, that this our meiting be not esteimit as thoch we made ourselves ane Assemblie with the Estates, or get dois submitt any matters ecclesiasticall, either concerning doctrine or discipline, to this Judicature:

But after we had conferrit and reafonit with your Majestie anent the articles proponit to vs, we must returne to the ordinary place of our Assemblie, ther to reafon, vote, and resolve in all these points, according to the Word of God and a good conscience. And this our protestation we most humble desyre may be admittit and insert in your Majesties Bookis of Counsell, for eschewing of inconveniences that heirafter may rise.

The quhilk protestatioun was ratified and reiterat and confirmit be his Majestie ; and after lang reasoning vpon the saids articles, the brethren was dimittit.

[The answers as they were altered, and are extant registred in the 6th Session, here follow. C.]

Session 6<sup>a</sup> 4 Martij.

Anent the Articles proponit be his Majestie to be resolvit and anfuerit be the Generall Assemblie, the brethren, after long conference and mature deliberatioun, concludes and anfuers to the same, in maner and forme as after followeth :

1. That it is lafull to his Majestie, be himselfe, or his Hienes Commiffioners, or to the Pastours, to propone in a Generall Assemblie, quhatsoever [poynt] his Majestie or they desyres to be resolvit or to be reformat in matters of externall government, alterable according to circumstances ; provyding it be done in right tyme and place, animo edificandi, non tentandi.

2. The Assemblie ordaines that no Minister fall reprove his Majesties laws, statutes, acts, and ordinances, vnto the tyme that first he be advyce of his Presbitrie, Synodall or Generall Assemblies, complaine and seik remedy of the same from his Majestie, and report his Majesties anfuers, befor any farther proceeding.

3. No mans name sould be exprest to his rebuik in pulpitt, except the fault be notorious and publick ; quhilk notoritie is defynit, If the person be fugitive, convict be ane assyse, excommunicat, contumax after citation or lafull admonition ; nor get sould any man be descryvit vivelie be any other circumstances except publick vyces alwayes damnable.



4. The brethren finds that no person fould vse applicatioun, quherin he has not a cheife respect to the edifieing of his awin flock and present auditours.

5. The Affemblie ordaines every Presbitrie to take diligent accompt of the Pastours doctrine, and that he keip himselfe within the bounds of the Word.

6. The Affemblie superseids to ansuer to the 6 article to the nixt Affemblie; and, in the meane tyme, suspends all summar excommunicatioun quhill the said Affemblie.

7. The 7 lykewayes is referrit to the next Affemblie.

8. Ordaines all summonds to containe a special cause and cryme, and that nane be summond super inquirendis.

9. No Conventiouns fould be among the Pastours without his Majesties knowledge and consent, except alwayes thair Sessiouns, Presbitries, and Synods, thair meitings in visitatioun of kirks, admissioun and deprivation of Ministers, taking vp of feids, and sick vthers as hes not bein found fault be his Majestie.

10. In all principall townes, Ministers fould not be chofin without the consent of thair awin flock and his Majestie.

11. All matters concerning his Majesties questiouns remanent salbe suspendit, not damned or rebuiked either in pulpitt or vthers thair Judicatures, quhill first all his Hienes questions be decydit in the nixt Generall Affemblie; and in speciall [no] matters importing slander fall come in before them in the mean tyme, quherin his Majesties autorite royall is [highly] prejudgeit, excepting only ecclesiasticall causes.

12. The Affemblie hes chofin and appointit certaine brethren with commissioun to intreat vpon the faids questiouns, and to report thair advyce and opinioun to the nixt Generall Affemblie; referring the tyme and place of conveyning to his Majestie. The brethren appointit to that effect, as followis: Mrs James Nicolfoun, Johne Caldcleugh, Andro Clayhills, David Lindsay, Thomas Buchannan, James Melvill; Robert Wilkie, William Couper, Johne Couper, Thomas Bryffoun, Robert Rollock, Patrick Galloway, Johne Duncansone, Robert Hewie.

13. The Affemblie gives commissioun to the Ministrie of the Presbyteries of Murray and Aberdein to insist in conference with the Erle of Huntlie; and to that effect appoints Mrs Andro Milne, Andro Leich, Andro Lamb, George Gladstones and Johne Ramsay, to concurre and assist with them, and [ordaines them to] report thair ansuers to the conditiones and articles given to them in commissioun for tryall of the said Erle.

Sessio 7<sup>a</sup> 5 Martii.

The Articles for the trial of the Erle of Huntlie.

First, That the said Erle, from the day of his compeirance befor the saids Commiſſioners, ſhall make his conſtant and ordinarie reſidence in Aberdein, that he may be inſtructit be hearing of the Word, and ordinary conference, indureing the tyme appointit for the ſame.

2. That he be weil informit with knowledge to condiſcend on the principall grounds of religioun affirmativé, and the vntrueth of the errours contrair to the ſame; and that he be able to give a reaſon of his knowledge in ſome meaſure.

3. That he be brocht to a plaine acknowledging of the Kirk within this cuntry, and profeſſe himſelfe adjoynit to the ſame, as ane obedient member therof, and be content to heare the Word, participat the ſacraments, and obey the diſcipline of the Kirk, as the ſame is preſentlie allowit be the Kings Maieſtie and Eſtates.

4. That he ſolemnlie promiſe, be word and wrytin band, to remove out of his houſe, companie, and hail bounds vnder his power, Jeſuits, Preiſts, and excommunicat perſons.

5. That he aggrie to ſweare and ſubſcryve the Confeſſioun of Faith in preſence of the hail Commiſſioners.

6. That he aggrie to ſatiſſie the Kirk of Aberdeine, in moſt humble manner, for his apoſtaſie, and ther renew the forſaids promiſes and bands in moſt ſolemne manner.

7. Anent the ſlaughter of the Erle of Murray, That he declare his greife and repentance for the ſame, and promiſe to make ane affythment to the pairtie, quhen the ſame may be convenientlie acceptit of, and vtter his forſaid repentance and greife therin, at the tyme of his publick ſatiffactioun forſaid.

8. Forſameikle as be occaſioun of ſervice done to his Maieſtie in perſewing the ſaid Erle be force and vtherwayes, fundrie in theſe parts hes incurrit his diſpleaſure and deadlie ſeid, that he be content to remove all theſe occaſiouns with ſuch convenient diligence as the ſaids Commiſſioners ſhall think expedient.

9. For declaratioun of his affald adjoyning with vs, that he be content at thair fichts, and advyce of his best disposed freinds, to provyde sufficient stipends for his kirks.

10. That he fall acknowledge his faults, quherfor he was [justly] excommunicat, and especially the burning of Dunibirllie, and [his] apostasie.

11. That he fall have ane ordinar Minister resident in his awin houle continually :—

With power to them to conveyne the 22 day of March instant, or sooner if they can possiblie, and to conferre with the Erle of Huntlie, and resolve him of the Articles forsaids, and to report his mynd and resolutioun anent the same at the nixt Generall Assemblie, to be haldin at Dundie the 10 day of May nixt to come.

Anent the supplicatioun givin in be Dame Elizabeth Oliphant, Countes of Angus, making mentioun, That quher diverse and frequent futes hes bein made be herselfe and the remanent freinds of William, sometymes Erle of Angus, desyrand conference with certaine of the Ministrie, for his farther resolutioun in the heids of Christian Religioun, quhilk hes not tane so good ane effect as was lookit for, be reason of certaine impediments quhilk hes fallin out in the meanetyme ; requeisting, therfor, most earnestly to appoint certaine of the wisest brethren quher he maks his residence, to conferre and resolve him of the doubts that stayes [him] from imbraceing of the true and Christian Religioun publictly profest within this realme : The Assemblie ordaines the Ministrie of Angus and Mernes to conferre with the Erle of Angus anent sick doubts as he wald be resolvit vpon ; and specialiie to conferre with him anent the Articles preceeding, quhervpon the Erle of Huntlie is ordainit to be tryed, exceptand only sick as concernes the Erle of Murrays slaughter ; and to report his resolutioun in the premisses to the nixt Generall Assemblie.

Anent the offers givin in be Francis, sometymes Erle of Erroll, to the Generall Assemblie presentlie conveynit at Perth, beirand as followes :

First, I offer to abyde any just tryall of the alledgit traffiqueing against the religioun presentlie profest within this countrey, indureing my absence

off the countrey, and to make all sufficient purgatioun to your Wifdomes for the same.

Farther, I offer all possible securitie and catioun, in all tymes coming, nevir to traffique aganis the said religioun, and that neither the said religioun nor discipline therof fall anywayes be hindred be me, bot have the ordinar courfe in my bounds, as in vther parts of the countrey.

And to declare my willingnes to be resolvit in the said religioun, I am content to accept conference therin, and requyres the same at your Wifdomes, quho hes the power, that ge will appoint ane or mae of your number indifferentlie, as they falbe requyrit of me in the parts quher I presentlie dwell, and hes the leasure or occasioun to resort quher I fall happin to be, to conferre with me vpon the haill contravertit heids, [that I may have instruction ;] and if I falbe thereby movit, that the haill number of that Synod quher my residence is, will take the paines to conveyne and meit me at some competent place, to hear and testifie of me. Indureing the quhilk tyme of conference, I fall no wayes respect any Jesuit, Seminarie Priest, or excommunicat person.

And if it fall happin that I be resolvit in the heids of contraverfie, I fall vnfaignedlie from my heart imbrace the said religioun, and make publick confessioun therof in tyme comeing, and fall make satisfactioun for my defec-tioun from the same, as falbe injoynit.

Lastlie, Desyris to be absolvit, or at least suspendit, from the sentence of excommunicatioun indureing the tyme of my conference ; so that none of my freinds that resorts to me, and may be stedable to me be thair counsell, either in the said conference or vthers my leifum affairs, be troublit be your censure therfor, bot may have your licence to have acceffe to me, and I to them, in quhatsoever part of the countrey I fall resort ; lykeas I have obtaint his Majesties licence and charge to your Wifdomes to give me conference ; quhilk it may please you receive, and doe accordingly as ge wold give me argument of your good intentioun towards my conversion ; quherof I doubt not : and for the performing of the premisses fall find catioun and sovertie.

The Assemblie ordaines the Ministrie of Murray and Aberdeine, with the fyve Ministers adjoynit to them, for conference with the Erle of Huntlie, to treat lykewayes with the [Erle of] Erroll anent the premisses, and to report to the nixt Generall Assemblie quhat resolutioun they find in him concerning the Articles conteinit in thair commissioun direct for the

tryall of the Erle of Huntlie; exceptand alwayes sick articles as concerns the slaughter of the Erle of Murray.

Farther, The Assemblie ordaines these Commissioners grantit for conference with the saids Erles of Angus, Huntlie, and Erroll, to be extendit to the Laids of Newtoun and Bonytoun, in case they offer themselves to satisfie the Kirk.

Attour, If it fall happin the said excommunicat persons, or any of them, to resort or repare to any vther part within this realme, the Generall Assemblie gives full power and commissioun to the Ministrie of the Presbitries quher they fall chance to resort, to treat and conferre with them anent the heids and articles above wrytin.

Anent the supplicatioun givin in be Mr Johne Rutherford, desyreing the proces of his deprivation led be the Presbitrie of Sanct Androes to be produceit, sein, and confidderit be the Assemblie: The Assemblie ordaines the said Presbitrie to produce the said proces at the next Generall Assemblie, and ther to ansuer to the said Mr Johne his complaint givin in against them.

Certaine Petitiouns given in be the Ministrie presentlie conveyit, [to be presented] to the Kings Majestie.

It is humblie craveit be this present Assemblie, that your Majestie, with advyce of the Estates presentlie conveyit, confiddering how it hes pleased God to give a good successe to this present Conventioun, and that all things concludit herein tends to the peace and quyetnes of the hail Estate of this countrey, and the dissappointing of the expectatioun of the adversaries, will, with advyce forsaids, publish be opin proclamatioun the good successe of this present Conventioun, together with a declaratioun of your Majesties intentioun, vtterit be yourselfe at this tyme in presence of your Estates, declaring your good will to mantaine the true religioun presentlie profest within your countrey, the discipline adjoynit therto, and the Ministers to quhom the charge of the same is comittit; and to declare that your Majesties will is, that quibatsoever law, act, or proclamatioun hes bein made, prejudiciall to the same, false esteimit contrair to your Majesties meaning, and to have no force nor effect in no tyme heirafter; and that nane of your subiects pretend, be any colour therof, to trouble any of the saids

Minifters, but that they wilbe vnder your Majesties proteſtioun; and that he will eſteime the contraveiners, troublers of your eſtate, and puniſh them accordingly.

2. That all Papifts, Jeſuits, and excommunicats remaining within this countrey, be chargeit to paſſe off the ſame, betuixt and the firſt of May nixt to come, or els to ſatiſſie the Kirk: and if they doe not the ſame befor the day appointit, that Sheriffs in ſhyres, Proveys and Bailgies in townes, be commandit to apprehend and preſent them before his Maſteſtie and Counſell, to be puniſchit according to the law; and if they be negligent in apprehending them, that commiſſioun be givin to certaine moſt zealous and willing perſons to doe the ſame.

3. That it may pleaſe your Maſteſtie, according to your accuſtomit clemencie, to relaxe preſentlie the Minifters of Edinburgh from the horne, and ſuffer them [peaceablie] to returne and remaine within this realme; as alſo to releive and ſett at friedom ſick gentlemen and profeſſours of religion as now are vnder challenge, ſeeing your Maſteſtie knowis that the love to religion movit them to theſe things quherwith they are now burdenit.

4. That ſeeing that Edinburgh has that honour to be cheife burgh in this countrey, and that place quherin religion, ſince the beginning, hes bein moſt flouriſhing, and now are both deſtitute of thair awin Minifters, and ſicklyke callit, from tyme to tyme, before your Maſteſtie, quhilk is no ſmall greife to thair hearts, in reſpect that your Maſteſtie knowes the greateſt part of the hail townes are moſt willing to give your Maſteſtie all obedience, and to hazard lyfe and ſubſtance for your Maſteſties ſtanding, That it may pleaſe your Maſteſtie favourablie to deale with them according to your accuſtomit gentlenes, that it may appeir that your Maſteſtie is more inclynit to ſhew favour to men that meanes [uprichtlie] to your Hienes then to Papifts. We are movit to crave the ſame, that all your ſubiects may ſie a generall aggriement.

5. That it may pleaſe your Maſteſtie, ſeeing Mr David Black hes obeyit ſick things as was injoynt to him, to give him libertie to returne to his flock; and ſicklyk to Mr John Welch and to Mr John Hewiſone.

6. Becauſe diverſe complaints of hurting and mutilating of Minifters are givin in before vs, namely

We moſt humblie crave that your Maſteſtie wald take ſome ſubſtantiall ordour for puniſhing the offenders in example of all vthers heirafter.

7. That proviſion be made for planting of kirks, and that the augmentatiouns and planting of new kirks, made in anno 1595, be allowit.

Follows his Majesties Anſwers to the ſaid [Petitions and] Articles.

The firſt article is grantit in ſubſtance.

The ſecond is alſo grantit.

As to the third, [and firſt part thereof,] concerning the Miniſters of Edinburgh, They are ordained to be relaxit vpon caution to be found be them to the Juſtice Clerk, that they ſhall vnderly the law. As to the gentlemen for quhom the Aſſembly makes requeiſt, His Maſteſtie thinks good that they, be the mediation of thair freinds, be futers for themſelves.

And as to the fourth, touching the towne of Edinburgh, His Maſteſtie myndes no wayes to trouble innocent men, bot ſick only as are guiltie, and myndes ſhortlie to be at point with them.

Twitching the invaſioun of the Miniſters, a Commiſſioun is [ordainit to be] directit for calling and puniſhing the offenders.

Concerning the laſt article, his Maſteſtie ordaines the Treafurer, Mr James Elphingſtoun, the Clerk Register, Mr Johne Preſtoun, and Mr Edward Bruce, to take ordour, aſweill for the planting of kirks, as with the augmentatiouns quhilk were grantit anno 1595.

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[The Kings Preface to the reader before the printed Questions, declaring what was his intention in moving of so many questions anent the Discipline. The tenor whereof followeth.

To the Reader.

For as much as it is one of the principal points of the office of a Christian King to see God rightly honoured in his land ; for effectuating whereof it is necessar, that the Spiritual office bearers in the Kirk not only teach sound doctrine, concerning the points of salvation ; but lykways observe a comely order in the Spiritual Policy agreeing with the Word of God, the loveable custome of the primitive Kirk, and with the lawes of the countrey, and nature of the people, for repressing the vices, whereto they are chiefly inclined, as best may serve to establish and maintain the purity of religion : Therefore it becomes every Christian King, as fathers, nourishers of the Kirk within their dominions, and revengers of the breaches of both the tables, to strengthen and assist, be the concurrence of their civil sword, the said Spiritual office bearers in the due execution of their calling : and, on the other part, to compell them to exercise faithfully their office, according to the rule prescribed to them be the Word of God ; not suffering them to transgress the limits thereof in any sort : Wee, therefore, having had due consideration hereof, and perceiving not only a great liberty used in application of the doctrine within our countrey, without any clear warrant of the Scripture as yet alledged, for proving of the same ; as also a great obscurity in divers points of Discipline and Policy of the Kirk ; novelties daily creeping in ; the lawful authorities and warrants thereof not being as yet made manifest ; have thought, comely following the loveable example of Christian Emperours of the primitive Kirk, to convene and assemble a National Council, as well of the Ministry, as of our Estates, and of all sorts of men of deepest learning and greatest sincerity in religion ; to be holden and to beginne to sit in our burgh of Perth the last of Februar next to



come ; gravely to treat, reason, consult, and determine, (according to the Word of God, as the only rule,) upon the clearing and distinguishing of the Spiritual Jurisdiction, as well in the application of doctrine, as in the whole Policie and Government of the House of God. And to the effect that all men may come the better prepared to the said Convention, being duely forewarned, and advised with the matters that then are to be traited on, Wee have thought good to set down certain Articles thereof, in form of Questions, as hereafter followeth ; taking God, the searcher of all hearts, to record, that our intention in this, is no wayes to trouble the rest and peace of the Kirk by thorny questions, or to claim any tyrannical and unlawful government over the same, but only to see all such troublesome questions solved at this tyme ; which, if they still remained in doubt, might, either in our time, or in the time of our successors, breed slanderous debates : and that the Policy of the Kirk be so cleared, as all corruptions may be weeded out of the same, and none suffered hereafter to creep in ; that thereby the glory of God may be advanced, all grounds of farther Questions betwixt us and the Ministry may be removed, and a pleasant harmony and mutual concurrence between us may be established, to the great comfort of all good men, and terrour of the wicked. C.]

[The Questions proponed be the King, to be resolved at the Conventioun of the Estaits and Generall Assemblie, appointed to be at brouche of Perth, the last of Februar.

Q. 1. May nocht the maters of the externall gubernation of the Kirk be disputed, *salua fide et religione*.

Q. 2. Is it the King feueralie, or the pastorfeueralie, or bathe coniunctlie, that sould establishe the Actes anent the externall gouernment of the Kirk, or what is the form of thair coniunction to mak lawes.

Q. 3. Is nocht the consent of the maist part of the flock, and also of the Patron, necessar in the electioun of the Pastors.

Q. 4. Is it lafull for the Pastor to leaue his flock against thair willes, albeit he haue the consent of the Presbyterie ; and for what cause sould the Presbyterie consent therto.

Q. 5. Is it lawfull for a Minister to vse farder applicatioun nor that quhilk may edifie his awin flock ; or is the haill warld the flock of euerie particular Pastor.

Q. 6. Is he a lafull Pastor, who wants impositionem manuum.

Q. 7. Is it lafull to Pastors to exprefs particular mens names, Counfallis, or Magistrats in pulpit, or so viulie to descryue tham, that the peiple may vnderstand whom be they mein, without notorius declarit vices and priuat admonitions preceeding.

Q. 8. For quhilk vyces sould admonitiones and reprobuing of Magistrats pas publictlye from pulpits in their absence or presence, respectiue.

Q. 9. Is the application of doctrine in pulpits lauchfull quhilk is foundit vpon informatiouns, bruits, and rumors, suspitions, conditions gif this be and that be, probabilities, liklines or vnliklines in things to come in ciuill maters, quhilk all may be fals, and consequentlie the doctrine following thervpon; or sould all applicatioun be vpon the veritie of knawin and notorius vyces.

Q. 10. Is the text, quhilk is read in the pulpits, the ground wherupon all the doctrine sould be buildit, or may all things be spokin vpon all texts, so that the reiding therof is bot a ceremonie.

Q. 11. May a simple Pastor exerceise anie iurisdiction but consent of the maist part of his particular sessioun.

Q. 12. Is nocht his sessioun iudge to his doctrine.

Q. 13. Sould nocht the Moderator of the Sessiou be chofin yierlie of anie who has vot therin.

Q. 14. May the Sessiou be lafullie elected by Ministers onlie, but the consent of the haill congregatioun.

Q. 15. Why sould nocht Eldars and Deacones of ilk particular Sessiou be elected ad vitam.

Q. 16. How manie Presbyteries is meit to be in the haill countrie, in what places, and whow manie Pastors of Kirk in ilk Presbyterie.

Q. 17. Sould nocht the Eldars and Deacons of ilk particular Sessiou, haue vot in the Presbyteries, or the Pastors only.

Q. 18. What is the maters of the iurisdiction of the Presbyterie, quhilk may nocht be intreated in particular Sessions.

Q. 19. What form of proces in libelling and citation, termes and dyattes, probation and pronouncing of the sentence, sould be vsit befor the particular Sessiouns and Presbyteries respectiue.

Q. 20. What maters sould the Synod intreat vpon, quhilk may nocht be decydit in the Presbyteries.

Q. 21. Sould nocht all wha hes vot in the Presbyteries, and als in the particular Sessions, have vot in the Synodall Assemblies.

Q. 22. Sould ilk Vniuersitie or ilk Collage, or ilk Master or Regent within ilk Collage, haue vot in the Presbyteries or Synodals in the towns or countries whar they ar; and sic lyk, what form of vot sould they haue in the Generall Assemblies.

Q. 23. Is it lesum to conuocat the Generall Assemblie by his Maiesties licence, he being pius et Christianus Magistratus.

Q. 24. Is it necessar that the Generall Assemblie be ordinar, or onlie extraordinarie conuened for waightie causses concerning the Kirk.

Q. 25. Hes nocht all men of guid lerning and religion vot in the Generall Assemblie.

Q. 26. Is ilk particular Pastor obleit to repear to the Generall Assemblie, or is it sufficient that onlie Commissioners com fra ilk particular Session, Presbyterie, or Synodall.

Q. 27. Wha sould chuse the Commissioners to cum fra ilk schyre to vot in the Generall Assemblie.

Q. 28. Quhat is the number of votters necessar to the lawfulness of the Generall Assemblie, and whow manie of the haill number sould be Pastors, and how manie vther men.

Q. 29. May anie thing be acted in the Assemblie to the quhilk his Maiestie consents nocht.

Q. 30. Is it nocht expedient that the twa part of them, wha has ius suffragii, sould consent to anie thing decernit in ecclesiasticall iudgment, that matters pas nocht be a vot ma or les.

Q. 31. Hes nocht ilk Iudgment inferior to the Generall Assemblie an territor limitat, outwith the quhilk they haue no powar of citation or iurisdiction.

Q. 32. What is the ordinar ecclesiasticall Iudgment to the discipline of his Maiesties houshold and Counsaill, remouable with his Maiestie to anie part of the realme.

Q. 33. Sould thair be libellit precepts containing the cause of the citation and certificatioun of the censures befor all ecclesiasticall Iudgments, or onlie till answer super inquirendis.

Q. 34. Hes the inferior Iudgment powar to summond to compeir befor anie superior Iudgment, or sould men be summoned onlie be the authoritie of that Iudgment befor quhilk they sould compeir.

Q. 35. Is it nocht necessar that priuat admonitionnes, with reasonable interualles of tym, pas befor all maner of citationnes.

Q. 36. What interualles of tym is necessar betwix priuat admonitioun, and betwix the last admonition and the first citation, and betwix the citation and the day of compeirance befor ilk an of the said judgments.

Q. 37. Whow manie citatiounes fould infer contumacie.

Q. 38. Is fimple contumacie, but probation of a cryme, or is anie cryme but contumacie, sufficient cause of excommunication.

Q. 39. Is ther nocht diuers kynds of censures, sic as prohibitio priuati convictus, interdictio a cœna, nocht published to the peiple; and last of all, publica traditio Satanae.

Q. 40. Sould the Presbyteries be iudges of all things that imports sklander; and gif sa be, wharof are they nocht iudges.

Q. 41. Can excommunication be vsed against theiffis, murderers, vsurars, or nocht payars of thair dettes; and if sa it may be, why ar nocht all Bordour and Hieland theiffis curd; as als all the manswering merchants and occurars amongs the burrowes.

Q. 42. Is ther any appellation fra the inferiour to the superior iudgment; and is nocht the sentence suspendit during the appellation.

Q. 43. Sould nocht all process and actes be extracted to parties hauand interest.

Q. 44. Is summar excommunication lauchfull in anie cace, but admonitionnes and citationnes preceeding.

Q. 45. Hes anie vther nor the Pastors of the Kirk vott in excommunication.

Q. 46. Hes ilk ecclesiasticall Iudgment a lik power to excommunicat.

Q. 47. Is it lawfull till excommunicat sik Papists as professit neuer our religion.

Q. 48. A woman being excommunicat, hauing a faithfull housband thereafter, fould he abstain from hir companie.

Q. 49. Is it nocht reasonable, that befor anie letters of horning be granted be the Session vpon the process of excommunication, that the partie fould be summoned to heir thaim granted.

Q. 50. Hes nocht a Christian King power to annull an notorius iniust sentence of excommunication.

Q. 51. May anie Counfall or Vniuersitie be excommunicat, for what cause, whom be, and maner therof.

Q. 52. When the Pastors does nocht thair dewtie, or when a iurisdiction vsurpes aboue an vther, or anie vther schisme falles out, sould nocht a Christian King mend sic disorders.

Q. 53. May fastes, for generall causes, be proclaimed be a Christian Prince command.

Q. 54. May onie ecclesiasticall Iudgment compell a man to swear in suam turpitudinem.

Q. 55. Sould ther onie thing be intreated in the ecclesiasticall Iudgment, preiudiciall to the ciuill iurisdiction or priuat mens rights; and may nocht the ciuill Magistrat lauchfullie stay all sic procedings. [C. & Melvill's Diary.]

[Instructions givin be the Synod of the Prouince of Fyff to the Commissioners, to be chofine by euerie Presbyterie within the said Synod, to go to the Conventioun appointed be his Maiestie at Perth: The quhilk the said Synod ordeanit tham and euerie an of tham preceillie to keipe.

First, Yie fall schaw that yie are com for obedience to his Maiestie, and nocht for that yie acknowlage that to be a lawfull Generall Assemblie, be reasone it was nocht appointed be the last Generall, nor convocat be the advys of the Commissioners of the last Generall Assemblie, as hes bein the practife of the Kirk at all tymes befor within this realme, warranted be the Word of God and lawes of the countrey.

Item, Yie fall schaw that yie may nocht condifend in anie wayes to the reasoning or putting in questioun the maters of the Polecie of the Kirk; because the Generall Kirk of this realme, to quhilk yie ar subiect, hes alreadie determined the faming; quhilk determinatioun yie haue also subfcrivit vnto, and nan may call the sam in dout, and put tham in reasoning, but a Generall Assemblie: Therfor yie fall desyre his Maiestie, in all humilitie, for continuation of the reasning to the ordinar assigned Generall Assemblie, to be haldin at Sanct Androus the xxvj of Apryll nixtocome.

Item, Gif na continuatioun can be obtained, and yie ar vrged to proceide, yie fall protest for the liberties of the Kirk, and planlie disaffenting, keipe yourselffs frie of euerie thing that falbe done theranent.

Item, Because the Conventioun is appointed be his Maiestie onlie for the

questionnes, yie fall nocht mell in anie maner of way withe the receaving of Hountlie or vther excommunicats, or anie vther thing remitted from Synodall, or Presbyteries, or properlie belanging to a Generall Assemlie.

Item, In cais the brethring amang thamselues, or his Maiestie, or anie of his Counfall, enter in reasoning with yow, or anie of yow in privat, that ye hould fast be thir generall grounds.

1. That the haill externall government of the Kirk mon be tean out of the Word of God.

2. That the ordinar Pastors and Doctors of the Kirk mon schaw the will of God out of his Word; and that onlie to be followed.

3. That the Pastors and Doctors of the Kirk of Scotland hes, with lang and graue deliberatioun, sett down and constitut the haill externall discipline and government of the Kirk; according to the quhilk it hes bein thir manie yeirs sa happelie governit and rewlit, that na heresie, schisme, or diffentioun hes haid place therin vnto this houre; and that ther is nan beiring office in the Kirk, who calles the sam in dout. It wald, therfor, pleis his Maiestie nocht to suffer the rair and maist peaceable and decent constitutioun therof to be disturbit be exagitating of fruietles questionnes, namlie at this tyme, quhen Papists preasses, be that mean of disputatioun namlie, to brangle and pervert all.

Item, Yie fall trauell with the Ministers, Barronnes, and Noblemen, that fall happin thair to be conveinit, that an vniform supplicatioun may be maid and giffen in for restoring of the Ministers of Edinburche, and Mr David Blak again to thair flockes; and behave yourselves heirin, in the feir of God and loue of Chryst and his kingdom, faithfullie and providentlie, with all dewtifull reuerence to the Kings Maiestie. [C. & Melvill's Diary.]

[The Presbytrie of Edinburgh being in jealousy lykways of the Kings proceedings, limited their Commissioners in forme, as followeth.

The form of Commiſſion givin to the Commissioners of the Presbytrie of Edinburgh.

For as much as his Maieſtie has appointed a Generall Asſembly of the Miniſtry to conven at Perth, the laſt of Februar instant; and to that effect, his Hienes has directed letters miſſives to divers Presbyteries within this realme; and among others to the brethren of the Presbytrie of Edinburgh, willing and deſiring them to addreſs two or three of the wiſeſt and moſt

discreet brethren of their number to the said Assembly, against the said day and place, instructed with commission, and their best advyce and opinion in matters touching the Policy of the Kirk, as the same bears: The brethren, therefore, of the said Presbytrie, to witness their humble obedience to his Majestie as to their Sovereign, have directed, lykeas be these presents direct, their well beloved Mr David Lindfay, Mr Patrick Galloway, John Duncanfon, Ministers, with power to them to convene and assemble themselves with the Commissioners of other Presbyteries, that shall happen there to be convened, to hear and see what shall be proponed anent the treating of the difference of the Civil and Ecclesiastical Judgements, and matters concerning the Policy of the Kirk, and external government thereof, and to report to them; but no wise to proceed in reasoning, voting, or concluding any thing, which may be prejudicial to the Constitutions of the General Kirk, anent the said matters; and to deal therein according to the instructions given in write, and no otherwise. To all which wee give the brethren foresaid our power and commission, promising to hold firm and stable &c.

Subscribed be the Clerk of the Presbytrie.

#### Instructions to the Brethren.

1. Ye shall shew, that ye are come for obedience to his Majestie, and not for that ye acknowledge this to be a lawfull Assembly, be reason it is not appointed be the last General, nor convened be the Commissioners of the last General Assembly, as has been the practise of the Kirk, at all tymes before, in this country.

2. Ye shall shew, that ye may not condescend any way to the reasoning of the matters of the Policy, because the General Assembly, to which ye are subject, has already determined the same; which determinations ye have also subscribed unto; and none may call the same in doubt, or put them in reasoning, but the General itself: Therefore ye shall desire his Majestie, in all humility, for a continuation of the reasoning till the ordinary Assembly, which is to be in Sanct Andrews, in the month of Aprile next to come.

3. If no continuation can be had, and ye be urged to proceed, ye shall protest for the liberties of the Kirk, and keep yourselves always free of every thing, that shall be done thereanent.

4. Because this Affembly is conveened be his Majeftie, only for thir differences, ye fhall not medle in any manner with Huntlies receiving, or any other thing properly pertaining to the General.

5. Laft, Ye fhall travel with the Miniftrie, Barons, and Noblemen, that fhall happen there to be conveened, that an uniforme fupplication may be made for reftoring the Minifters of Edinburgh to their flocks; and to behave yourfelves herein prudently, as accords. C.]

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[Upon the 27 of Aprile, Mr Robert Pont, Moderator of the last Generall Affembly ordinar, went to Sanct Andrews of purpose to keep the dyet appointed be the last Generall. Few or none conveened, but some few Commiffioners out of Lothian, Perth, Stirline, and out of the Synod of Fife. They conveened in the New College School, the place appointed for the said Affembly. After in calling on the name of God, and humble confession of the fins which had procured that defolation, craved mercy, and fenced the Affembly. Notes and documents of protestation were taken for the liberty of the Kirk. All fummonds, references, appellations were continued till the Affembly following. The exhortation of the Moderator was lykeways continued to that day. C.]

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A. D. M D.XCVII.

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The Generall Affemblie, halden at Dundie the 10 day of May 1597,  
in the Litle Kirk.

Sessio 1<sup>a</sup>

Exhortation beand made be Mr Robert Pont, laft Moderatour, the brethren appointit on the leits Mrs Nicoll Dalgleish, James Melvill, Patrick Simfone, Patrick Sharp, Thomas Buchannan, Johne Porterfeild, Robert Rollock, James Balfour, David Fergusone, and David Lindfay : be pluralitie of vottis Mr Robert Rollock was elected Moderatour hac vice.

Sessio 2<sup>a</sup>

Mr Thomas Nicolfone, and Johne Williamsone, Writer, beand put on leits for the Clerkship, vaikand be the deceis of Mr James Ritchie ; be pluralitie of votis, Mr Thomas Nicolfone, Advocat, was chofin, sworne, and admittit.

Sessio 3<sup>a</sup>

[Also it was ordainit, That at the penning of every Aët, there should be certain discreit and wise brethren, with the Clerk, to see the Aëts formed ;

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of which number were Mr James Melvil and Mr James Nicolson ; but when Mr James Melvil came to attend, they were commanded to come to the King with the minuts : So he got not access again.

It was also ordained, That all the Acts should be read in audience of the haill Assemblies, before the dissolving of the same ; and thereafter to be inbookit and registrat. C. & B.]

[It was shewed to the Assembly, how the Kings Articles past at Sanct Johnstoun ; but no remedy : Howbeit, a great number of the sincerest sort did their part honestly.

Mr John Davidsons letter to the Assembly was read in the third Session, the copy whereof followeth.

Gal. 5. Stand fast therefore in that liberty wherewith Christ has made us free ; and be not intangled again with the yock of bondage.

As infirmity of body hindered my presence from this Assembly, (Reverend and loving brethren,) so straitness of time suffereth me not to supply my absence be writt, as I would : yet feeling duty craved somewhat in this case, at so necessary a tyme, I abridged a few things to call to your godly remembrance ; beseeeking you all to take them in good part, as they come of a loving mind to Christs cause and weale to his Kirk. It is not unknown to you, (dear brethren,) that the unity and the liberty in the sincerity of doctrine, has been, and is to this day, the rose garland of the Kirk of Scotland ; and that the preservation of this unity and liberty in doctrine, come of the agreement in the liberty of the execution of discipline, which has been the hedge and bulwark, as it were, to the doctrine hitherto : Therefore the invasion of the freedom of discipline cannot be without ensueing danger to the liberty and unity of doctrine, no more than Edinburgh can be long free of fear of perrill, if invasion of the borders be not resisted at the borders. And it may well be thought, that the preservation of the liberty and unity in discipline, was saved be the wise wearing off thornie questions thereanent, by wise foresight of our worthie fathers and brethren, who ranged the questions in the General Assembly to allow the tyme and place therof, that the heat therof should not burst out at the beginning, and so disturb the whole action. Besides this, these questions

were limited to come by degrees from other inferior Affembles, who were not able to solve them; and not to break in at the broad side. And last, if they were questiouns of weight, they were remitted from one Affembly, to be ripely advised on by the brethren, to the nixt Affembly, for avoiding of contention and rash conclusions. Which good custome, if it had not been kept, our liberty and unity could not have stood, as two loving sisters, to this day; for where questions get over great liberty, godly edifying is excluded, as miserable experience teacheth among the Popish schoolmen. They breed strife, as the Apostle writes; and the beginning of strife is, as one that openeth waters: wherefor, ere contention beginne, let us leave of, as Solomon saith. Neither is it about mere externall things, or alterable, as men speak, that the chief question is now a day; howbeit, questions, even in these matters, as is said, are warrilie to be admitted; for as that ancient Father gives out, *Facilius est constituta labefactare, quam labefactata in pristinum statum reducere*: But it is about a substantiall part of doctrine, to wit, rebuke of vice, and that manifest, open, and obstinat vice, that groweth to such great hight, as it would be licentiat be lawes, with imprifonment and bondage of the liberty of the truth, as all that are not wilfully blind, may easily see; for the which truth, and liberty therof, wee are bound to strive: Therefore, let us stand fast in that liberty, wherewith Christ, in that case, has made us free above all nations; and let us not agree with men in these things, *quæ concordiam prorsus excludunt. Nefarie quidem impieque concordēs erant, qui turrim extruebant. Nanzianzenus*. And let libido novandi circa ecclesiam be far, at the left, from ourselves of the Ministry; as in sense the same Author hath. Many things hath our Kirk need of at this time, meeter to be handled, than such questions. Neither has our Prince, (God be praised,) occasion to convene us, for making agreement and concord among us, as the good Emperours had. And as for things to be reformed for the well of the Kirk, I hear no word of them. I pray, Satan's drift be not to break our agreement, that hath stood so long in Christ: For it is delivered be an ancient Father in this sense, *Nam tyranni Ecclesiam infectando, firmiorem etiam ipsam reddiderunt, &c. Quod cum versipellis ille animadvertisset, aliam fraudem excogitavit, inimicitiasque et funesta disidia inter duces (Antistites) ipsos excitavit*. And Basil giving the cause of this plague, writeth in this sense, *Dissentio multorum contra multos ex eo contingit, quod indignos nos ipsos gubernatione et moderamine Domini constituimus*. Wherefor, brethren, let us stand fast in our Christian

liberty and unity, et ablit, ut inter nos trifti contentione (as one writes) decertemus. But if the tyme be come, that the sentence of the Apostle is to be performed, Oportet enim, etiam hærefes inter vos esse, we doubt not but, Qui probati sunt, manifesti fient inter nos. And if any act shall pass (as God forbid) in contraire anie jote of your Christian liberty, agreable to Gods word, and the laws of the realme, I, in my own name, and the rest of Chryfts faithfull Messengers within this realm, will stand, be Gods grace, to the protestation made verbaly be me, in his Majesties presence, at the last General Assemblies holden at Edinburgh: for it will not be the new cords of the Philistins, that will keep Sampson bound. Howbeit Moses would not leave behind him ne ungulam quidem, he was not for that a shifmatick. And Elias was no troubler of Israel. Haec, *ἰσως καὶ ἀμαθως*. Yet I trust the good brethren will take my simple meaning in good part. Farewell, good brethren: and the good Spirit of the Lord be president among yow. Amen. From Saltpreston, the 8th of May 1597.

Your loving brother in Christ,

JOHN DAVIDSON.

My simple advice is, if any grant of absolving from excommunication be made, as I know no cause yet why; yet if others know, that they get annum probationis enjoined to them before they be admitted to Court, or have access to sit at the helme: for though they have Jacobs voice, yet I fear, Esau's hands. But it is objected, that this matter will be troublesome to us, if we stand to it: Answer, It is a new doctrine to say, That Christians be without a cross.

#### Sessio 4<sup>a</sup>.

Anent the supplicatioun givin in be the Laird of Wachtoun, and Glenagies, desyrand a command to be givin to Mr William Murray, Minister at Dyfert, to sett in tak and assedatioun to them or thair tennents thair teyndes of thair awin lands, lyand within the parochin of Dyfert; or els, for eschewing of farder danger, to retaine the saids teinds in his awin hand: The Assemblies ordaines the said Mr William to retaine the saids

teinds in his awin hand; discharging him of all setting of the same to any person quhatfumevir, vnder the paines conteinit in the acts of the Generall Affemblie.

Anent the supplicatioun givin in be the Presbytrie of Dumbartan, defyrand, in respect of the fewnes of thair number, that certaine of the Presbytrie of Paillay might be adjoynit to them, to the effect they might be the more able to awaite vpon the commoun affaires, pertaining to the glory of God and weill of the Kirk: The Affemblie ordaines a commissioun to be direct for visitatioun of the hail Presbyteries within the bounds of Clidsdail, Ranfrew, and Lennox, with power to them to confider how many Presbyteries salbe necessar within the saids bounds, and to sett downe a solid ordour theranent.

Anent the complaint givin in be the Presbytrie of Brechin aganis Mr Dowgall Campbell, Minister of Fernewell, for his obstinacie in refusing to pronounce the sentence of excommunication aganis Patrick Butter at command of the said Presbytrie, he being Moderatour thereof for the tyme; for the quhilk they had suspendit him from preiching the Word vnto this Affemblie: The Generall Affemblie ratifies and allowes the said suspensioun.

#### Sessio 6<sup>a</sup>

The brethren of the Presbyteries of Murray, Aberdein, and Mernes, with the vther brethren joynit with them in commissioun joyntlie, respectivé appointit be the last Generall Affemblie haldin at Perth, for tryall of the obedience of the Erles of Angus, Huntlie, and Erroll, to the particular injunctiouns sett downe be the said Affemblie, and injoinit to them for declaratioun of thair repentance, being defyrit be the Generall Affemblie to report what resolutioun they fand in the saids Lords, tuiching sick articles and conditionns as were sett downe in the said commissioun, They being present befor the hail Affemblie testified and declared, that they fand them obedient and willing to satisfie in all humble manner, and persevering and continuing in thair earnest sute for reconciliation with the Kirk: And as concerning the saids articles and conditionns, quhervpon the saids Commissioners were ordainit to have tryed and resolvit them, the saids Commissioners, every ane for thair awin parts respectivé, producit the said ar-

ticles and conditionns, with full anfuers to every ane of them particularlie fubfequent made be the faids Lords, offering to acquiefce to the faids conditionns, and to fulfill the fame : And for more declaratioun of thair confents therto, the faids articles and anfuers therto particularly following every ane of them were fubfcrivrit feverally be the faids Lords, in figne and token of thair embraceing therof, as followes :

The Erle of Huntlies anfuers to the Articles.

The firft is obeyit : For he compeirit [at Aberdeen] the 22 of Marche appointit to him, and ther abode, [waiting] on doctrine and conference, till the Commiffioners were fatisfied with his refolutioun ; and fo the conference endit.

2. The brethren appointit to deale with him, brocht him, after lang conference, to confefse [the verity of] the haill grounds of religioun affirmativé ; refolvit his doubts be the Word of God ; and moveit him with knowledge to refufe and deteft all heids of Papiftrie contrair to the fame.

3. He acknowledges the Reformit Kirk of Scotland to be the true Kirk : he is ready to joyne himfelfe efaldlie therto, acknowledging himfelfe a member therof, fubmitting himfelfe to the fame ; will heare the Word, and obey the fame be the grace of God ; participat the facraments ; and obey the haill difcipline [of the Kirk,] as it is allowit be the Kings Majestie and Eftates.

4. He is readie to fweare and fubfcribe the Confefsioun of Faith in prefence of the haill Commiffioners, fo foone as they fall come back with power to pronounce his abfolutioun.

5. In fignificatioun of his obedience to the articles, he hes declarit to the haill commiffioners, that fen he entrit in dealing with the Kirk, he never intercommunit be word or wryte with any Jefuite, Priest, or excommunicat Papift, except fo many as are vnder conference with the Kirk ; and is content to abyde thereat in all tymes coming : Sicklyke he is content to give his wrytin band, that he fall banifch and expell out of his [company and] haill bounds all Jefuites and Seminarie Preifts, and fall expell therefrom all excommunicat Papifts, except fuch as fall have licence from the Kirk and Kings Majestie : and, finallie, that none fall have recept be his

knowledge, in the places of his commandement, that are profest enemies to the religioun.

6. He is content now, or heirafter, to satisfie for his apostasie, in the place appointit, at the discretioun of the saids Commiffioners ; and then to ratifie the forsaids premiffes.

7. He declares his vnfaigned greife for the slaughter of the Erle of Murray, and will satisfie the pairtie at the pleasure of the Kings Majestie, the Kirk, or of godlie and indifferent freinds, will make offers to that effect ; lykeas he hes given a blank to his Majestie to be fillit vp with particular affythment, and that after his absolutioun.

8. He promises now, or heirafter, to crave of God mercie for the said slaughter, quhen, quher, or how the Kirks Commiffioners shall appoint.

9. At the desyre of the saids Commiffioners, he presentlie remitts all rancour and malice conceivit be him, for any occasioun or deid offerit to him be the countreyemen in the Kings service ; and promitts, vpon his fidelitie, nevir to quarrell any for the same that are within thir bounds, and speciallie none of the Ministrie either north or south.

10. He aggries, that at the sicht of the Ministers Mrs David Cunighame, Alexander Dowglafs, George Glaidstanes, and of his freinds Pitlurge, Clunie fall sett downe ane ordour for provisioun of his kirks, quhilk he promises to execute immediatlie after his absolutioun.

11. Be advyce of the saids Commiffioners, he promitts to take a Minister, and intertaine him in his awin house.

12. He confesses, that be his publick offences he gave sufficient matter to the Kirk to have deduceit the sentence of excommunicatioun aganis him.

Sic subscribitur,

HUNTLEE.

#### The Erle of Errolls anfuers to the Articles.

1. The first is obeyit : For he having sufficientlie excuseit his absence fra the first dyett, the 27 of Marche, came to Aberdein, the fyft of Aprile, quher the Commiffioners appointit him to resort to Aberdein, about the 20 day of Apryle, to have conference with such of thair number as they appointit to meit him ther ; quhilk he did, comeing in the towne the 20 of



Apryle, and ther abode, resorting to publick doctrine and conference till the Commissioners were satisfied with his resolution; and so the conference was endit.

2. The brethren appointit to deale with him, after long reasoning, brocht him to confesse the veritie and whole grounds of religioun affirmative, resolvit his doubts be the Word of God, and ancient Doctours; and movit him, with knowledge, to refuse all heids of errour in Papistrie, contrair to the same.

3. He acknowledgis the reformat Kirk of Scotland to be the true Kirk. He is ready to joyne himselfe therto, and professes himselfe a member therof; will heare the Word, obey the same be the grace of God, participat the sacraments; and obey the haill discipline of the Kirk, as it is acknowledged presentlie be the Kings Majestie and Estates.

4. He solemnlie promises and offers his wrytin band, that lykeas, sen his promise, and entring in conference with the Kirk, he never intercommunicat with Jesuits, Preists, or excommunicat persons, except sikk as are dealing with the Kirk, swa to keip in all tymes comeing; and that he fall banisch out of his companie and bounds all Jesuites, Priests; and fall expell therfra all excommunicat Papists, except sikk as fall have licence fra the Kirk and Kings Majestie; and, finallie, that none fall have receipt in his bounds that are profest enemies to the Kirk, be his knowledge.

5. He is readie to sweare and subscribe the Confession of Faith, in presence of the haill Commissioners, so soon as they fall come back from the nixt Generall Assemblie, with power to pronounce his absolutioun.

6. He is content to satisfie for his apostasie in the place appointit, and ther to ratifie the forsaid premiffes.

7. At the desyre of the saids Commissioners, he presentlie remitts all rankour and malice conceivit be him, for any occasioun or deid offerit to him be the countrey men in the Kings service; and promitts, vpon his fidelitie, never to quarrell any for the same, specially none of the Ministrie, south or north.

8. He aggries, that such as of the Ministrie falbe appointit, with such freinds [as he fall appoint,] sett downe quhat fall be his part for planting of the kirks within his bounds; quhilk he promises to execute after his absolutioun.

9. Be the advyce of the Commissioners, he is content to take a Minister, and intertaine him in his house.

10. He confesses, that he gave sufficient matter to the Kirk to denunce the sentence of excommunication aganis him. Sic subscribitur,

ERROLL.

The Erle of Angus anfuers to the Articles.

1. He being callit befor vs, it was injoynit to him to remaine at Barras in the parochin of Kynneff, and ther awaite vpon the heiring of the doctrine in that his paroch kirk; and vpon conference at such tymes [and places] as was appointit in Conveth and Aberbuthnot kirks; quhilk he hes faithfullie keipit and observit untill his resolutioun was obtenit.

2. After we had reasonit and conferrit with him in many of the contravertit heids of religioun, be the Scriptures, and ancient Doctours, he satisfied vs affirmativé and negativé.

3. He acknowledgit the Kirk of Scotland to be the true Kirk, and is ready to joyne himselfe therto, and professe him to be a member thereof, will heare the Word, participat the sacraments, and obey the haille discipline of the Kirk, as it is allowit presentlie be his Majestie and Estates.

4. He solemnlie promifes be his word and wrytin band, to remove foorth of his haille companie and bounds, Jesuites and excommunicat persons; lykeas he hes done since the Commiffioners nominat thir articles to him.

5. He defyres the Commiffioners to get a power to absolve him, and immediately thereafter, he fall sweare and subscribe the Confessioun of Faith.

6. He is content to satisfie for his apostasie in his awin paroch kirk, and ther to ratifie his forsaide promifes.

7. He vnderstands none of the countrey to have incurrit his wrath or deadly feid for persewing him in his Majesties service, quhilk he protests befor God; that he nevir meanit to harme any man for giving obedience to his Majesties lawis, quhilk if he had done, he sould rather have made mends nor [have] forgivin; and if any in particular will complaine, he will satisfie this article, albeit, in very trueth, as all the countrey knowis, he hes sustained great loss, quhilk he hes the Kirk to meane, in most humble manner, to his Majestie, as the Commiffioners will declare at more length.

8. He is content at the sight of the Commiffioners, and his best advyfit freinds, to provyde stipends for his kirks, how soone he salbe absolvit and restoreit to his living.

9. He will most willingly take a Minister and intertaine him at his awin house, be the advyce of the Commissioners.

10. He confesses, that he deserved to be excommunicat.

Sic subscribitur,  
ANGUS.

The quhilk report made be the saids Commissioners, in discharging of thair forsaid commissioun, the Generall Assemblie presentlie conveyit, ratifies and allowis, as aggrieable and anfuerable to the ordinance of the last Assemblie, haldin at Perth, in all poynts: and therfor ordaines the saids Commissioners respectivé, to proceed farther with the saids Erles in the said matter, and to receive a satisfiactioun of sick things as are promised be them in the saids conditionis, and to crave the present accomplishment therof, so farre as possiblie can be done. They are to say,

That as they, in thair ansuer, hes allowit and subcryvit, sa that they presentlie confesse the veritie of the haill grounds of our religioun affirmativé; and with some measure of knowledge, refuse and detest all heids of Papistrie, contrair to the same.

That they acknowledge the Reformit Kirk of Scotland to be the true Kirk; that they effaldlie joyne themselves, and acknowledge themselves members therof, submitting them to the same; and salbe readie, at all occasions, to heare the Word, and obey the same, participat the sacraments, and obey the haill discipline of the Kirk, as it is allowit be his Majestie and Estates.

That, befor thair absolutioun, they sweare solemnlie and subscribe the Confessioun of the Faith, in presence of the haill Commissioners.

That as they have testified be thair writt, even so be thair band they promise to remove out of thair companie, in all tyme comeing, all Jesuites, Preists, and excommunicat Papists, except sick as salbe licentiat be the Kirk

That, at the time of thair absolutioun, they satisfie in most humble manner in the kirks of Aberdein and for thair former apostasie, and ther ratifie these thair promises in most solemne manner.

That the Erle of Huntlie, befor his absolutioun, ask God mercie for the Erle of Murrays slaughter, and declare his penitence for the same.

And because thair Lordships hes promised never to quarrell any Gentlemen of the countrey, that hes persewit or vtherwayes troublet them, and

therby incurrit thair wrath in his Majesties service, and at his Hienes commandement : Therfor, to the effect the fruites therof may more evidently appeir, that thair Lordships faithfullie promise, that lykeas thair sonnes hes already obtainit, or at the leift is to obtaine of his Majestie, of frie grace and meere donatioun, the gift of thair foirfaultries ; evin so the gentlemen in the countrey, that are vassalls to them, and hes incurrit the lyke [sentence of] foirfaltour, and perrillit thair lands, not through thair awin evill demerit, bot be reason they were vassalls to them, may receive and obtaine of thair Lordships, the lyke grace as is impairtit vnto them be thair Sovereigne : and as his Majestie grantit a benefite to them, who had offendit, evin so thair Lordships vassalls be not trublit for any compositioun of thair lands, quhilk, not be thair fault, bot throw thair Lordships failzie, were indangerit and holdin in none entrie ; and that thair Lordships renew the promise of remitting all rancour and malice of heart against the said gentlemen.

And as to the provisioun of Kirks quhilk pertaines to [ilk ane of] the said Erles respectivé, that [they, at] the advyce of thair best affectionat freinds and the saids Commissioners, sett downe ane solid ordour, how the Ministrie may be plantit and honestlie sustaint at the same ; quhilk they fall ratifie and approve, and put in executioun immediatelie after thair absolutioun.

That, be the advyce of the Commissioners, they make choise of a Minister, quho salbe intertainit in thair houle for instructing of the same.

That they renew the confessioun of thair sins, acknowledging that they were justlie excommunicat for the same.

And to the effect that all slander may be removit from the Erle of Huntlie, and speciallie that quhilk did arise vpon the slaughter of Mr William Mure, quhilk was committit dureing his Lordships remaining in Aberdein, that his Lordship provyde sick remeid, that the poore woman, mother to the said Mr William, may be satisfied ; and sick assythment made, alswell for him as her husbands slaughter, as the Commissioners fall think expedient.

With power to the saids Commissioners, after the accomplishment of the premices, to absolve the saids Erles from the sentence of excommunicatioun, and receive them again in the bosome of the Kirk.

Sessio 7<sup>a</sup> 14 Maij.

Anent the Articles givin in be his Majestie in the last Assemblie haldin at Perth, the decisoun and answering quherof was referrit be the said Assemblie, to be reasonit and intreatit be certaine Commiffioners, and thereafter to be concludit in this Assemblie ; and anent the declaratioun of certaine acts made in the said Assemblie haldin at Perth, for satisfiactioun of such as were not present at that tyme, nor acquaintit therwith : The saids articles and questions being reasonit and vottit in face of the haill Assemblie, his Majestie being present for the tyme, these declaratiouns and conclusiouns after following were sett downe and concludit be the said Assemblie, as followis.

Notes in forme of declaratioun of certaine of the Acts made in the Generall Assemblie haldin at Perth in Februar last by past, for explaining of his Majesties and the Assemblies meaning, for the satisfiactioun of such as then were not acquaint therwith : quhilk are ordainit to be regiftrat in the Acts of this present Assemblie.

First, Anent the lawfulness of the said Assemblie haldin at Perth : It is declairit be this present Assemblie, that one of the reasons moving the brethren to acknowledge the lawfulness of the said Assemblie, was found to have bein, that the Commiffioners of the Kirk accordit with his Majestie theranent, as is expresselie sett doune in his Majesties letter.

Item, The reason moving the Assembly to grant the more willinglie to the 2 Article concerning the reproving of his Majesties laws, was this ; his Majesties earnest and constant affectioun to the religioun, and obedience to the Word, was evidentlie knawin to the haill Assemblie ; and that it was his Majesties declarit will and intentioun, alwayes to frame his laws and whole government according to the same ; for the quhilk causes the Assemblie aggried to the said article.

Anent the Article ordaining that no mans name be exprest in pulpitt, except in notorious crymes, &c. : The point of notoriety is farder defyned, [If the cryme] be so manifest and knowin to the world, ut nulla tergiversatione celari possit.

Anent the Article ordaining, that no conventioun of Pastours be without

his Majesties knowledge and consent : His Majesties consent is declarit to be extendit to all and quhatsoever forme either of Generall [Assembly,] or speciall Synodall, permittit and authorizit be his Hienes lawis, according as they have warrand in the Word of God, as being the most authentick forme of consent that any king can give.

Anent the Article concerning provisioun of Pastours to burrowes : It is declarit that the reason therof was and is, that his Majestie was content, and promised, that quher the Generall Assemblie finds it necessar to place any person or persons in any of the saids townes, his Majestie and the flock fall either give thair consent therto ; or els a sufficient reason of the refusall to be proponit either to the haill Assemblie, or to a competent number of the Commissioners therof, as his Majestie fall think expedient.

Ansuers to the rest of his Majesties Questiuons, according as they were proponit be his Hienes and his Commissioners in the present Assemblie.

First, Anent the propositioun movit be his Majestie to the Assemblie, craving that befor the conclusioun of any weghtie matters concerning the estate of his Hienes or of his subiects, his Majesties advyce and approbatioun be cravit therto, that the same being approvit be his Majestie, may have the better executioun, and, if neid beis, be authorizit be his Hienes lawis : The Assemblie craves most humbly, that his Majestie, either be himselfe or his Hienes Commissioners, in matters concerning his Majesties estate, or the haill estate of his subiects, and vthers of great wecht and importance, that hes not bein trattit of before, wald give his advyce and approbatioun therto, before any finall conclusioun of the same : and, for the better obedience to be given to such lyke statutes in all tyme comeing, that his Majestie wald ratifie the same, either be act of his Hienes Parliament, or Secret Counsell, as falbe thocht neidfull : The quhilk his Majestie promised to doe, according to his Hienes propositioun, quhilk was acceptit and allowit of the haill Assemblie.

The Assemblie ordaines, that there be ane vniformitie in the ordinatioun of the Ministrie throughout the haill countrey, impositioun of hands ; and that they be admittit to certaine flocks, vpon the quhilk they salbe affricted to attend, according to the Acts of the Assemblies made of befor ; and ordaines that none, that are admittit to the Ministrie, be promovit to teach

in publick and great rowmes, except vpon very vrgent necessitie, in defect of actuall Ministers, they be ordainit to supply sick wants be the Presbyteries, Synodall or Generall Assemblies, quho fall tak diligent ordour that they keip themselves within the bounds of thair gift, and speciallie in applicatioun.

That no Pastour exercise any iurisdiction, either in making of constitutions, or leading of processe, without the advyce and concurrence of Sessioun, Presbytrie, Provinciall or Generall Assemblie.

That all Sessiouns be electit with consent of thair awin congregatiouns.

That all Sessiouns, Presbyteries, and Provincialls, vse sick forme in all thair processe as may be found lafull and formall, and able to abyde tryall; the quhilkis salbe registrat in matters of importance: and, to that effect, ordaines the proceedings of privat Sessiouns to be sightit at Presbyteries; and the proceedings of Presbyteries at Provinciall Assemblies; and the proceedings of the Provinciall at Generall Assemblies.

The Assemblie ordaines, that in the exercises, quhen the Ministers are conveynit at thair Presbyteries, no applicatioun be vsed.

That in the determinatioun of matters of importance, quher the vottis falbe only different [vpon] two or thrie, that nothing be concludit therin till better resolutioun; and that, in such difference, he that gives the negative with his vote, fall give rationem negandi.

The Assemblie ordaines the Presbyteries to meddle with nothing in thair judicatur, quhilk fall not be found, but contraverfie, proper to the Ecclesiastick judgement; and that heirin ane vniformitie be keipit throughout the hail countrey.

That all processe and acts be extractit to parties having interese, quher is ane wrytin processe.

The Assemblie superseids to ansuer the article tuiching summar excommunication quhill the nixt Generall Assemblie; and in the meane tyme suspends all summar excommunication: alwayes, in great crymes, the Assemblie ordaines a publict intimatioun therof to be made, and the committer therof to be suspendit a facris, and prohibited a privato convictu.

If any Presbytrie falbe defyrit be his Majesties missive to stay the proceeding of any thing prejudiciall to the civill iurisdiction or privat mans rights, It is ordainit, that the said Presbytrie fall desist in the said matter, vntill they send to his Majestie for satisfactioun theranent.

Sessio 8<sup>a</sup> 16 Maij.

Because fundrie scandals rises, through the disorder of reidears, be baptizing of bairnes gotten in adulterie and fornication, befor satisfaction made by the offenders; and celebrating of unlawfull marriages: The Assemblie statutes and ordaines, that no Reidar minister the sacrament of baptism in any way, in all tymes coming; and that they presume not to celebrate the bands of marriage without speciall command of the Minister of the Kirk; and in case ther be no Minister therat, of the Presbytrie, had to that effect: and ordaines every Presbytrie to cause this act to be intimat at every paroch kirk, that none pretend ignorance heirof in any tyme coming.

Sessio 9<sup>a</sup> 16 Maij.

The quhilk day, in presence of the haill Assemblie, the Kings Majestie being personally present, declarit, that [seeing,] through the shortnes of tyme, ther were fundrie matters of weght and importance, not only concerning particular flocks, bot quhilk did in speciall tuitch the haill estate and body of the Kirk, quhilk could not be commodiously intreatit and concludit in this present Assemblie; as namelie, twitching both the planting of particular congregations and of the haill kirks within this realme, quhilks as yet, through the default of honest intertainment, remaine unplanted and destitute of the comfort of the Word; and anent ane solid ordour to be taken anent a constant and perpetuall provision for the sustentation of the haill Ministrie within this realme, to the end they be not, as in tymes bygane, to depend and awaite vpon the Commissioners appointit for modifying of their stipends, and so be forcit to absent themselves the most part of the geir from thair flock, to the great disgrace of thair calling, dishearting of thair congregation, and discontentment of his Majestie, whose care ever hes been, and earnest desyre continues as yet, that every congregation have a speciall Pastour honestly sustainit, for the better awaiting on his cure, and discharging of his dutiefull office in the same: and therfor his Majestie desyrit the brethren to consider, whither it were expedient that ane generall commissioun should be grantit to certaine of the most wyse and discreet of the brethren, to conveyne with his Majestie for



effectuating of the premiffes : The quhilk his Majesties advyce the Affem-  
 blie thinks very neceffar and expedient ; and therefor hes given and grantit,  
 lykeas, be the tenour heirof, they give thair full power and commiffioun to  
 the brethren vnderwrytin, viz. Mrs Alexander Dowglas, James Nicolfone,  
 George Glaidftaines, Thomas Buchannan, Robert Rollock, Robert Pont,  
 David Lindfay, Patrick Galloway, Johne Duncanfone, Patrick Sharp,  
 Johne Porterfeild, James Melvill, William Couper, and Johne Clapper-  
 toun, or any fevin of them, to convene with his Majestie, betuixt the day  
 of thir presents and the laft of May instant, [with power to them] to take  
 folid ordour anent the provifioun of Minifters to the townes of Edinburgh,  
 Dundie and Sanct Androes, his Majesties and the Princes houfes ; to give  
 thair advyce and opinioun to his Majestie, anent the planting of every par-  
 ticular kirk within this realme ; to make fuch overture as they can beft  
 devyfe twiching the constant platt ; and generally to give thair advyce to  
 his Majestie in all affaires concerning the weill of the Kirk, and intertain-  
 ment of peace and obedience to his Majestie within this realme : with ex-  
 preffe power and command to the faids Commiffioners to propone to his  
 Majestie the petitionuns and greives, asweill of the Kirk in generall, as of  
 every member therof in particular, promitten de rato.

Anent the fupplicatioun givin in be Mr John Rutherford, makand men-  
 tioun, that quher in the Generall Affemblie laft bypaft haldin at Perth, he  
 gave in ane fupplicatioun, quherin he defyrit the proces of deprivation  
 [led and] deduceit aganis him be the Presbytrie of Sanct Androes, to be  
 producit before the faid Affemblie, to the effect the fame might be tryit,  
 and the proceedings thereof examin it be them, the quhilk was referrit be  
 them at that tyme to this present Affemblie, ordaining the faid Presbytrie  
 of Sanct Androes to produce the faid proces befor this present Affemblie,  
 and to answer to the complaint givin in be the faid complainer, defyrand  
 therefor the brethren of the Presbytrie of Sanct Androes to be callit for  
 producioun of the faid proces, to the effect the famein might be fein and  
 confidderit be this present Affemblie, according to the ordinance made at  
 Perth, as faid is : The Generall Affemblie, in refpect of shortnefs of tyme,  
 remitts the faid complainer and his fupplicatioun to the Commiffioners ap-  
 pointed to convene with his Majestie at Edinburgh, and ordaines the Pres-  
 bytrie of Sanct Androes to produce the faid proceffe befor the faids Com-  
 miffioners, and the ansuer to the faid complainers fupplicatioun in all  
 points ; with power to the faids Commiffioners, or any fevin of them, to

take full tryall, cognitioun, and finallie to conclude in the said matter, promitten de rato.

Sessio vltima. 17 Maij.

Anent the supplicatioun givin in be James Wood, appeirand of Bonytoun, makand mentioun, that, according to the directioun of the last Assemblie haldin at Perth, he had attendit vpon the Commiſſioners appointit be the said Assemblie, and had aggried, be thair conference, in many heids of religioun with them; desyreand therfor, as he is willing to persevere in conference with the saids Commiſſioners to his finall resolutioun, that a commiſſioun may be grantit to the brethren appointit for dealing with the Erles of Huntlie and Errol, to continue in conference with the said complainer; and in cace they find him resolvit, to absolve him from the sentence of excommunicatioun, and receive him again in the bosome of the Kirk: as also that the Commiſſioners of Angus appointit for the said purpose, may have a speciall command to intreat with the said complainers father, for appealing his wrath towards him, in respect he is content to submitt himsele most humble to his said father, or to the Kirk, for satisfactioun of any eyelists that he or they hes found in him in tymes bypast: The Assemblie gives full power and commiſſioun to the brethren appointit for receiving the Erles of Huntlie and Erroll, to enter in farther conference and tryall with James Wood, appeirand of Bonytoun: and in cace of full satisfactioun to be made be him to the saids Commiſſioners, in such heids and articles quherin he hes not as yet satisfied, the Assemblie gives vnto them power to absolve him from the sentence of excommunicatioun, and receive him againe within the bosome of the Kirk. Attour, the Assemblie ordaines Mrs George Gladstanes, Andro Mylne, Andro Leich, Johne Ramsay, and Andro Lamb, to deale with the Laird of Bonytoun, and travell in the reconciliatioun desyrit and satisfactioun offerit be the said complainer his sonne.

Anent the supplicatioun given in be Mr William Murray, Minister at Dyfart, making mentioun, that quher he hes livit vpon the duetie of the tak of the Personage thir diverse geirs bygane, being only thrie hundreth merks, and sustaineth great charges therevpon; and now seing the saids taks are outrunne, and he is informit that diverse supplicatiouns are givin

in be the gentlemen of the said parochin, craveand the said complainer [to be astricted] to sett them taks of thair awin teinds respectivé; desyreand therfor not to astrict the said complainer to any particular persons, bot to give him power to sett taks to sikk as fall doe most commodioullie for the weill of the Kirk: The Assemblie gives power to the said complainer to sett in tak the teinds of the Personage of Dyfart, except of the lands pertaining to the Lairds of Glennagies and Wachtoun, reservit be ane vther act of this Assemblie, with advyce and consent of the Presbytrie of Kirkcaldie, and of the brethren after following, viz. Mrs Thomas Buchannan, William Cranftoun, James Melvill, Robert Wilkie, David Fergusone, and Johne Fairfull; vnto the quhilks the Assemblie remits the supplicatioun of such as craves tackis of the teinds of the said Personage.

Anent the Erle of Craufurds request, desyreand licence to a person of Inneraritie to sett a tack of the teinds therof, in cace it be found be the civill Judge that he hes best right therto: The Generall Assemblie gives power to the Commissioners appointit to conveine in Edenburgh with his Majestie, to give power to the person that salbe presentit, to sett taks of the teinds controvertit to either my Lord Craufurd, or the Laird Purie Fotheringhame, that salbe found be civill magistrate to have best right to the same.

Thanks being given to God, the brethren ordaines the nixt Assemblie to be haldin at Striveling, the first Tuesday of May 1598.

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Here followeth the tenour of a Missive sent by the Commissioners of the General Assembly to the Presbyteries.

[Grace and peace from God the Father of our Lord Jesus Christ.

Beloved brethren, as we have found continuance of mercy in staving the desolation, which was already begun, according to many threatenings against the contempt of this land; so wee see, through the lack of due consideration and foresight in such as principally should have the most tender care of this work, and partly through the subtile wayes of dissembling friends, good occasions are likely to be turned to our hurt, unless remeed

be wisely provided in tyme : For this cause wee have thought it needfull, and be consent of his Majestie concluded, that the General Assembly, which was ordained to be in May, should hold the first Tuesday of March next at Dundie, for preventing of inconveniences, that delay of tyme might draw to further evil, and for taking of solid resolution in such things as are necessary to be deliberat upon, concerning the Kirks vote in Parliament, and some other necessary points ; whereanent, for your better information, wee have thought expedient to acquaint you with the effect of our travells here at this tyme.

According as it has been the continual custome of the Kirk at Parliaments to crave such things as were found necessary to pass in lawes for their well and priviledges ; so with advice of diverse Commissioners of Presbyteries, wee found it requisite to insist in such articles as have been craved be the Kirk at Parliaments in tymes bypast ; and namely wee urged the article anent the Kirks vote in Parliament, and the article anent the universal provision of the whole Kirk with stipends. In both wee found great opposition be the far greatest part of the Lords : but the Kings Majestie conveyed our suits with such wisdom and dexterity in our favours, that in end, after many hard answers, his Majestie procured, that he might dispoise the whole great benefices to Ministers ; and that such Ministers as should be admitted thereto, should have vote, but prejudice alwayes to the present discipline and jurisdiction of the Kirk in any point ; as ye will understand be the act itself, whereof we have sent you here a copy, which his Majestie thinks shall be a mean, in short tyme, to vindicate the Ministry from their present contempt and poverty ; and this is already perceived be many to their grief, who fear their hurt in our credit. For this cause we have been earnestly requested by sundry of the wisest of all Estates, who most favour the good cause, that without scruple we should accept this good occasion. The which point of present acceptation was urged be the Lords so straitly, that unless we wold give our consent thereto presently, in name of the Kirk, they wold not suffer the foresaid act to pass in our favours ; yet his Majestie was so favourable towards us, and so carefull to save our credit, and eschew offence, that, be his moyen, all is reserved free to this Assembly for our part : Therefore we beseech you, Brethren, to have a regard hereof with such wisdom and care as is necessary in a matter of so great importance, and send in commission to the said Assembly, the most wise, grave, and of best credit and experience among you, so far as

infirmity and age may suffer ; that good occasion may be used at this tyme, as that the good may be taken without any hurt, so far as is possible.

Anent the Platt and provision of stipends at every Kirk, commission is given to a number of Lords and Ministers, who are to essay that work with all diligence, and to crave your farther help in the information anent the estate of the kirks : which therefore ye shall take paines to have in readines, as ye shall be required upon the next advertisement.

The Lord direct you in all sincerity and wisdom, that ye may find a blessing upon your labours alwayes.

From Edinburgh the 22 day of December 1597.

Your Brethren and fellow labourers, the Commissioners of the General Assembly, and in their name and command Mr Robert Rollock, Moderator of the General Assembly. C.]

#### Tenour of the Act of Parliament.

In Parlamento apud Edinburgh, 13<sup>tho</sup> Decembris A. D. MDXCVII.

Our Soverain Lord, and his Hienesse Estaites in Parliament, havand speciall consideration and regairde of the great priviledges and immunities granted bee his Hienesse predeceffoures of maist worthie memorie to the halie Kirk within this realme ; and to the speciall perfonas exercising the offices, titles, and dignities of Prelacies within the famin : quhilkis perfonas hes ever represented ane of the Estaites of this realme, in all Conventiones of the saidis Estaites ; and that the saidis priviledges and freedoms hes bene from time to time renewed and conserved in the same integritie and condition, quhairin they were at any time of before ; fwa that his Majestie acknowledging the famin now to be fallen, and becummin vnder his Majesties maist favourable protection : Therefore his Majestie, of his greate zeale, and singular affection, quhilk hee alwaies hes to the advancement of the trew religion presentlie professed within this realme, with advise and consent of his Hienesse Estaites, statutis, decernis, and declaris, that the Kirk within this realme, quhairin the famin religion is professed, is the trew and halie Kirk ; and that sick Pastoures and Ministers within the famin, as at any time his Majestie shall please to provide to the office, place, title, and dignitie of ane Bishop, Abbot, or vther Prelate, shall at all time hereafter

haue vote in Parliament, fikelike and als freelie as ony vther Ecclesiasticall Prelate had at ony time bygane : And als declaris, that all and quhatsum-ever Bishopprikes presentlie vaikand in his Hienesse handes, quhilkis as git ar vndisponed to ony person, or quhilkis fall happen at ony time hereafter to vaik, falbe onelie disponed be his Majestie to actual Preachers and Ministers in the Kirk ; or to fik vthers persones as falbe foundin apt and qualified to vse and exercise the office and function of ane Minister and Preacher ; and quha in their proviſiones to the said Bishopprikes, fal accept in and vpon them to be actual Pastoures and Ministers ; and according therto fall practize and exerce the samin thereafter.

Item, As concerning the office of the saidis persones to be provided to the saidis Bishopprikes in their spirituall policie and government in the Kirk, the Estaites of Parliament hes remitted, and remittis the samin to the Kingis Majestie, to be advised, consulted, and agreed vpon be his Hienesse with the General Asſembly of the Ministers, at fik times as his Majestie fall thinke expedient to treat with them thereupon ; but prejudice alwaies in the meane time of the iurisdiction and discipline of the Kirk established be actes of Parliament, maid in onie time preceeding, and permitted be the saidis acts to all Generall and Provincial Asſemblies, and vthers quhatsum-ever Presbyteries and Sessiones of the Kirk.

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A. D. M.D.XCVII.

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The Generall Affemblie of the Kirk of Scotland, haldin at Dundie the 7 day of Marche 1597. In the quhilk were conveyit the Kings Majestie and Commiffioners from all Shyres and Townes of the countrey.

Sessio 1<sup>a</sup> 17 Martij. Post meridiem.

Exhortatioun beand made be Mr Robert Rollock, Moderatour of the last Affemblie, ther was appointit vpon the leits, Mrs Patrick Simfone, David Fergusone, Peter Blackburne, James Robertfone, and Robert Wilkie; and be the pluralitie of votes, Mr Peter Blackburne was electit Moderatour hac vice.

Sessio 2<sup>a</sup> 8 Martij.

Anent the Commiffioun given to certain brethren of the North, for the absolving of the Erles of Angus, Huntlie, and Erroll, from the sentence of excommunicatioun: The Affemblie ordaines Mr Peter Blackburne, in name of the rest, to give in in wryte, the hail forme of thair absolutioun, and satisfactioun to the articles injoynd to them in the last Affemblie, to the effect the same may be registrat in the Bookes of the Affemblie.

Sessio 3<sup>a</sup> Eodem die.

Because there is no accompt tane of the acts of every Provinciall Affem-  
blie ; therefore it is statute and ordainit, that, in all tymes coming, every  
Provinciall Affemby within this realme send the acts of thair Synod made  
sen the Generall Affemblie immediatlie preceeding, with thair Commiffion-  
ers direct be them to the next Generall Affemblie, to the effect the brethren  
of the Generall Affemblie may take tryall and cognitioun, that the pro-  
ceedings of every Synod be done decenter et ordine, and so allow or disallow  
of them as they [fall] think meitt ; and this ordour to begin at the nixt  
Generall Affemblie.

Item, Because it was meinit be some of the brethren, and found fault  
with, that such as vses to be appointit Commiffioners from the Synodalls  
to the General Affemblie, but any reasonable cause, refuse to obey and  
accept thair commiffioun, quherthrow it falls out oftentimes, that at the  
Generall Affemblie ther inlakes Commiffioners from some Synods : Heirfor  
it is statute and ordainit, that every Synod fall choose out them that falbe  
thoght most meit to come as Commiffioners to the Generall Affemblie,  
who fall remaine to the last day of the Affemblie inclusivé : and to the  
effect they may pretend no reasonable cause in the contrair, and speciallie of  
povertie, therefor it is statute and ordainit, that in cace the Commiffioners  
that are chosen may not commodioullie awaite vpon the Affemblie vpon  
thair awin expensfis, then and in that cace, the rest of the quhilk number  
he is chofin fall contribute to his expensfis, according to the abilitie of thair  
livings, vnder the paine of the tinsell of the tenth part of thair stipends ;  
quhilk Commiffioners beand sa furnischt be ane commoun contributioun,  
as said is, he fall repaire to the Generall Affemblie, and remaine vnto the  
finall end therof, vnder the paine of the tinsell of the tenth part of his awin  
stipend : And in cace either the Commiffioner or the brethren of his  
Synodall, through not obeying every ane thair proceffe of the premiffes  
respectivé, incurring the danger of the penalties above rehearfit, and yet  
refusing to make payment of the saids penalties, viz. of the tenth part of  
thair stipends, then and in that cace, they falbe suspendit from thair calling  
and functioun, ay and quhill they satisfie the same.

Anent the summonds raisit at the instance of the Synodall of Fyffe  
against Andro Arnot, Minister of Scotlandwell, craveand the said Andro,



conforme to his promise, to mak provisioun for the kirk of Auchtermoonfie, ane of the kirks of the said Ministrie : The said Andro being callit, compeirit and declarit, that he promised to make sufficient provisioun for the said kirk, provyding alwayes he were resolvit of the payment of his thrid, quhilk he payes presentlie to Mr Robert Inchaw ; quhilk promise he presentlie ratified, and band himselfe to make provisioun for the said kirk of Auchtermoonfie immediatly after the dissolving of the Assemblie, he being releivit of the payment of the thrid, as said is.

Sessio 4<sup>a</sup> 9 Martij.

[The Synod of Lothian gave in their grieves against the Commissioners of the Generall Assemblie, whereupon was made this ordinance following. C.]

The Commissioners appointit in the last Generall Assemblie for planting of the townes of Edenburgh, Dundie, and Sanct Androes, and such vther affaires, as at mair lenth is conteinit in the said commissioun, and callit to give ane accompt of sick things as had bein done be them be vertue of thair commissioun forsaide, Mr James Nicolfone, in name of the rest, produceit a booke containing a whole register of thair whole processe and proceedings since the acceptatioun of the said commissioun, quhilk was publicklye red in presence and audience of the hail Assemblie : And because ther was some of the brethren that thocht themselves greivit at certaine of thair proceedings, therfor it was thocht expedient that the brethren after following shuld cognosce vpon the saids greives and Commissioners ansuers therto, quhilk both shuld be givin in in one wryte befor them, and thereafter report to the hail Assemblie quhat they fand therein : They are to say, Mrs George Monro, James Dundas, Robert Howie, Duncane Davidfone, William Dowglas, Andro Mylne, Andro Lamb, James Robertfone, William Rynd, Archibald Moncreiff, Alexander Lindfay, David Fergusone, William Cranfoun, David Spence, Robert Wilkie, John Knox, Gawin Hamiltoun, Johne Hall, Johne Spotiswood, Patrick Symfone, Robert Darroch, Harie Levingfoun, David Barcklay, Hew Fullertoun, and Johne Welsch.

Greives to be proponit to his Majestie.

First, To crave of his Majestie ane releife of this present taxatioun to sikk of the Ministrie as posselles small benefices within iij<sup>c</sup> marks, seing they are not able to be sustainit vpon the same.

2. To crave in generall for the haill ministrie, that they be not troublit with the taxatioun in no tyme coming ; bot that the officers that ingathers the same, charge the taksmen immediatlie quho are bund to releive the Ministrie of their taxatioun ; because so long as the Ministers charges thair taksmen, not only it averts them from thair calling, but also breids a grudge betuixt them and thair parochiners.

3. To crave a redresse of the abuse of the buriall, that ane act of Parliament may be made, discharging burials in kirks.

4. To crave ane redresse anent adulterous marriages, quher two persons, both divorcit for adulterie committit either with vther, craves the benefite of the Kirk to be joynit in marriage.

5. To crave his Majestie, qubat ordour falbe tane anent the relaxatioun of such murtherers from excommunication as are alreadie relaxit from the horne, and zet hes not satisfied the partie, quhilk is a token of no penitencie.

6. To advyce with his Majestie, if the carieing of profest witches from towne to towne, to try witchcraft in vthers, be lafull ordinar tryall of witchcraft, or nocht.

7. Anent the laik patronages : To lament unto his Majestie the great abuse quhilk the late act of Parliament hes brocht in giving licence to the patrone to possesse the fruits of the benefice, in cace he present a qualified man, and the same be not admitted be the Kirk ; vnder colour quherof they vse to present ane qualified man to the Presbytrie, and hes him sworne to sett back a tack of the fruites of the benefice to the patrone : quhervpon, albeit the person presentit be qualified, zet the Kirk cannot admitt him, in respect of the impediment forsaide, quherthrow both the patrone vplifts [the fruites of] the benefice, and the Kirk lyes destitute ; therfor to crave redresse of the same.

Sessio 5<sup>a</sup> Eodem die.

Anent the greives givin in to his Majestie befor noone, his Majestie being present gave his ansueris as followes :

To the first and second : His Majestie defyrit the Commiffioners to be deput from this Assemblie, to give in ane supplicatioun to the Counsell, anent the same, quhervnto his Majestie sould hold hand ; and in the mean tyme promised to cause stay all farther executioun against sikk of the Ministrie as were at the Assemblie presentlie, quhill the 15 of Apryle nixt to come.

Anent burials : His Majestie thocht good that ane supplicatioun should be givin in to the nixt Parliament, craveand that, for avoyding of burials in kirks, every Nobleman sould bigge a sepulture for himselfe and his awin familie.

Anent adulterous marriages : His Majestie thocht good that ane supplicatioun sould be givin in to the nixt Parliament, craveand such marriages to be declairit null in all tyme comeing, and the bairnes gottin therin to be bastards.

Anent murtherers : His Majestie declared, quhen any murtherer is relaxit from the horne, upon cautioun to vnderly the law, that he is not, therfor, simpliciter relaxit, bot to ane day to abyde tryall of his fault ; and therfor thinks that the Kirk may continue in thair censures aganis such a person, and deny him any benefite of the Kirk, vntill they sie evident tokens of repentance in him, the partie be satisfied, and thervpon ane full remissioun obtainit.

Anent tryall of witchcraft : His Majestie declared, that, be ane act of the last Parliament, it is remittit to certaine of his Hienes Counsell, certaine Ministers and Advocates, to conclude vpon [a solid order] anent tryall of witches, and to advyce whither the forsaide carieing of witches is permissive, [or not.]

Tuiching the quhilk, the Assemblie ordainit Mr Patrick Galloway and Johne Duncansone to hald his Majestie in remembrance.

Anent the abuse of laik patronages : His Majestie thocht good lykewayes, that ane supplicatioun sould be givin in to the nixt Parliament for redressing of the same.

Because it was reportit in the Assemblie, that albeit fundrie persons were

convict of witchcraft, nevertheles, the civill Magisttrat not only refusit to punish them, conforme to the lawes of the countrey, bot also, in contempt of the samein, settis the persons at libertie, quhilk were convict of witchcraft : Therfor the Assemblie ordaines that, in all tyme coming, the Presbytrie proceed in all severitie with thair censures aganis [all] such Magistrats as fall set at libertie any person convict of witchcraft heirafter.

Item, Because diverse persons, with ane preposterous haste, hes proceedit to the band of Matrimonie, without any laifull proclamatioun of thair bands, quherthrow the ordinances of the Kirk are hielie contemnit : Therfor it is statute and ordainit, that no persons be couplit together in marriage, without they be thryse laifullie proclaimit at thair awin paroch kirk, according to the consuetude observit within this realme : and in cace of contraveining of the same, that the Minister be depyvit of his office ; and the parties ordainit to satisfie the Kirk be public repentance.

Anent burials : It is ordainit, that no pictures or images be caried about in burials, vnder the paine of the censures of the Kirk.

Item, Because it was regratit, that because certaine of the Ministrie being beneficit persons, hes sett taks and assedatiouns of the fruits of thair benefice, and therafter hes obtainit licence of transportatioun from thair kirk, so that the same, be reafone of the taks set be them, remains continuallie vnplantit for lake of provisioun : Therfor it is statute and ordainit, that, in tyme comeing, no Minister get licence of transportatioun from his Kirk, befor it be tryed, that he hes not hurt the benefice, from quhilk he wald be transportit, be setting tacks of the fruits of the same ; and if the tacks, that were sett befor his entrie to the said benefice, expyrit in his tyme, that he hes renewit no auld tack, but consent of the Generall Assemblie, and melioratioun of his benefice.

Item, Because for lake of moyen, fundrie of the Ministers hes not as zit obtainit the designatioun of their manses and gleibes, Therfor it is ordainit, that everie Minister, that is not zit posselt with his manse and gleib, obtaine possellioun of the same, betuixt and the nixt Assemblie : And in cace the person, in whose favours the designatioun is grantit, be not able, throw povertie, to awaite vpon the law for [obtaining] possellioun of the same, that the rest of the brethren of his Presbytrie concurre and help him with expensses for obtaining of the same.

Sessio 6<sup>a</sup> 10 Martij.

Anent the proceedings of the Commissioners appointit in the last Generall Assemblie, quhilk they did anent the planting of the Ministrie of Sanct Androes, and anent the examinatioun of the depositioun of Mr Johne Rutherford : The Assemblie ratifies, allowis, and approves thair proceedings therin.

And farther ordaines, for reasonable causes moving [them,] Mr Robert Wallace to be relaxit from the sentence of suspensioun from his Ministrie, pronuncit in thair decret against him, he satisfieand my Lord of Menmure, be the advyce of Mrs David Lindsay, Robert Bruce, and Robert Rollock, to the effect he may be placit to serve in sick parts, quher the Kirk fall think his travells to be best imployit.

As concerning Mr Johne Rutherfurds procefs, and the rest of the things done in Sanct Androes be the saids Commissioners : Mrs David Black, Johne Carmichaell, Robert Durie, Alexander Forsythe, and the rest of the brethren of the Presbytrie of Sanct Androes that were ther present, after reasoning of such things quherof they had not bein of before resolved, declared themselves satisfified therin.

Because it was reportit be the Commissioners of the Generall Assemblie, that the constant Platt for planting of every particular kirk, was hindred be the taksmen who hes the haille teinds in thair hands, and refuseth to condescend to any substantiall ordour anent the planting of the Ministrie, without some securitie were made vnto them anent the rest of thair teinds : Therfor the Assemblie thocht good to considerquhat be the conditions cravit be thair taksmen, in cace of augmentatioun of the duetie of thair tackis for sustentatioun of the Ministrie : To the quhilk it was ansuerit be the visitours of Murray and Aberdeine, that the taxmen desyrit ane perpetuitie of thair tacks, be renewing therof at thair outruning without greiffom : [Mernes offered presently to augment in victual, upon condition that the tacks be renewed at the outrunning therof, for a liquidat summe, in name of greffom :] The lyke offerit Angus : Clidfsdaill, Galloway, Lauthian, and Fyfe, wald make no offer.

Upon consideration quherof, the brethren desyrit his Majestie that ane law might be made anent the augmentatioun of the duetie of the tackis for sustentatioun of the Ministrie : To the quhilk his Majestie offerit willingly

to deale with the taksmen in such fort, that they fould be forcit to augment the duetie of thair tackis to a reasonable and competent living for ane Minister at every kirk, vpon conditionn they had some reasonable ease of thair teinds. And for effectuating therof, the Affemblie ordaines every Minister to give in a particular overture in wryte to the Commiffioners quhilk falbe appointit be the Generall Affemblie, [and information,] quhat is the juft valour of the teinds of his paroch; to quhom they are fett; for quhat duetie; to quhom the duetie is payit; and quhat better every ane can give for planting his awin kirk; to the effect his Majestie, with advyce of the said Commiffioners, may take ane folid ordour anent the sufficient planting of every particular kirk betuixt and the nixt Generall Affemblie.

Sessio 7<sup>a</sup> Eodem die.

The brethren appointit to try the proceidings of the Commiffioners of the last Affemblie, and the greives givin in against the fame, with the Commiffioners anfuers therto, declairit, that they had confidderit the haill grieves givin in be the Synodall of Lauthiane, and the Commiffioners anfuers made to the fame; and that they thocht it expedient, so that it were the will of the Affemblie, that the saids greives and anfuers fould be buried: Notheles, the Affemblie, for satisfiactioun of the haill brether, thocht good, that the saidis greives and anfuers fould be red in audience of the haill Affemblie; quhilk being done, after voteing, it was concludit, that the procefs and proceidings of the saids Commiffioners fould be ratified in that pairt; and the saids greives and anfuers buried and obliterated, for continuance of peace and quyetnes in the Kirk.

Sessio 8<sup>a</sup> 11 Martij.

The brethren, after reviseing of the haill proceidings of the Commiffioners of the last Affemblie, ratifies, allowis, and approves [the fame;] and ordaines the haill grieves givin in, and anfuers made therto, to be buried and put out of memorie.

For better executioun of thair proceidings, the General Affemblie or-

daines Mrs Robert Rollock, David Lindsay, Robert Pont, Patrick Gallo-way, Johne Duncanfone, James Nicolfone, Thomas Buchannan, George Glaidftanes, or any fyve of them, to conveine with his Majestie, to put the decreit of the faids Commissioners, anent the planting of Edinburgh, to farther executioun, and place the Ministers of Edinburgh at their particular flocks; ordaining lykewayes the Ministers of Edinburgh to obey the said decreit be accepting every one of them their particular flocks, vnder the paine of deprivation from their Ministrie; and in cace of disobedienc on their parts, and none acceptatioun of their particular flockis, as said is, that the faids Commissioners depryve them from their function [of the Ministrie:]. And thereafter ordaines the faids Commissioners to plant the Kirk of Edinburgh with such of the wyfest and most discreit of the brethren as they shall think most meet, to the glorie of God and edificatioun of the particular flockis within the towne of Edinburgh; and in the meane tyme, quhill the faids Commissioners conveine for performing of the premisses, the brethren ordaines the Ministers of Edinburgh to continue in the preaching of the Word and ministratioun of the sacraments.

Sessio 10<sup>a</sup>. 13 Martij.

Because fundrie of the brethren desyrit to be satisfied of his Majesties mynd be his awin mouth toward certaine of the Ministrie, and in speciall toward the Ministrie of Edinburgh, anent quhatsoever thrawarts or accidents that hes fallen' out thir two zeirs bygane; his Majestie, for making his mynd more cleirlye to be vnderstood be the haill brethren, declarit himselfe to be content and satisfied with the Ministrie of Edinburgh; and that his Hienes did beare no grudge nor evill will to any of them for any accidents quhilk hes fallin out in any tyme bygane, and that the same shuld never be remembrit be his Majestie in any tyme comeing; bot that his Hienes and they, (to the quhilk the Ministrie of Edinburgh willinglie aggregit,) shuld never call any of these accidents fallin out in any tyme bygane to remembrance, neither make mentioun of the same in privat speiches or publick sermons, in any tyme heirafter.

The quhilk day, in presence of the haill Assemblie, the Kings Majestie having declarit his advyce anent the necessitie of Commissioners, to be appointed be the Generall Assemblie, to awaite and concurre with his

Majestie for bringing to ane finall end, the longsome worke of the constant Platt for the planting of Ministers at the principall burghes within this realme, in cace any of thir places fall happin to vaike betuixt and the nixt Generall Assemblie; for awaiting on the Parliament, if any falbe, and craveing the redresse of sick things quherwith the Ministers fall find themselves greivit; and finallie, for redressing of sick enormities, and awaiting vpon such good occaiouns, as may fall out before the nixt Generall Assemblie; desyreing, therfor, that the brethren wald consider the necessitie forsaide, and according to their discretioun, whither if it were expedient, that ane commissioun shuld be grantit to certaine of the most wise and discreit of the brethren for the causes forsaids: The quhilk his Majesties advyce the Assemblie thinks very necessar and expedient, and therfor hes givin and grantit, and, be the tenour heirof, gives and grants, thair full power and commissioun to Mrs Peter Blackburne, James Nicolfone, Andro Mylne, Alexander Dowglas, Johne Ramsay, Thomas Buchannan, David Fergusone, William Cranstoun, George Glaidstaines, Alexander Lindsay, Harie Livingstoun, Robert Pont, David Lindsay, Robert Rollock, John Hall, Johne Clappertoun, Johne Knox, Gavin Hamiltoun, Andro Knox, his Majesties and the Princes Ministers, or any nyne of them, to conveye with his Majestie, at such tyme and place as falbe found expedient; with power to them, or any nyne of them, to concurre with his Majestie, anent the setting downe and concluding of the solid grounds and fundament of the constant Platt, and quhat securitie falbe made to the taxmen for the remnant of thair teinds: Quhilks grounds being sett downe be them, they fall make every Presbytrie within this realme privie to the same; and in cace the saids Presbyteries, be thair Commissioners or be themselves, after visitatioun of the saids grounds and conclusiouns, ratifie and approve the same, with power to the saids Commissioners, or any nyne of them, to conveye thereafter with his Majestie and [Lords of] the Privie Counsell, having the power of the Parliament to that effect, and there to put ane finall end and conclusioun to the constant Platt, and solid planting of every particular kirk within this realme; with power also to the saids Commissioners, or any nyne of them, to plant sufficient Ministers in the principall burghes within this realme, in cace the Ministrie therof fall happin to vaike betuixt and the nixt Generall Assemblie, and in speciall to take care anent the provisioun of Ministers to his Majesties and the Princes houses, the kirks of Newabbay, and Dumfreis; with power also to the saids Commis-



fioners, or any nyne of them, to awaite vpon the Parliament, if any falbe befor the nixt Affemblie, and give in the greives of the famein, defyrand them to be redrest; and to give thair advyce to his Majestie, for avoyding or eschewing of any danger or inconvenient quhilk may be licklie to fall out in prejudice of the Kirk: And lykewayes, in cace his Majestie find himselfe greivit, or crave redresse of any enormitie done to his Hienes be any of the Ministrie, with power to them, or any nyne of them, to fitt and cognosce vpon the same, quherin, for thair better informatioun of the cryme or fact quhilk fall happin to be committit, they fall crave the advyce of the most discreit of the Presbytrie quher the offender dwells, as they fall think expedient, and therafter proceid in taking tryall of the fact be themselves and conclude therin, as falbe most expedient to the glorie of God, and peace and quyetnes of the Kirk within this realme: And, finallie, with expresse power and command to the saidis Commiffioners, to propone to his Majestie at thair conventiouns, the petitionis and greives, asweill of this Affemblie in generall, as of every member therof in particular, as falbe meinit vnto them, promittend de rato, &c.

Anent the forsaide commiffioun grantit for redresse of such things as fall happin his Majestie to be offendit with in the person of any of the Ministrie: His Majestie declarit in presence of the haill Affemblie, that albeit the haill power of cognosceing of such persons, be devolvit in the persons of the Commiffioners, quho sould concurre with his Majestie to that effect; nevirtheles, his Majestie mynds no wayes to trouble the Commiffioners with any such matters, vnlesse first it be knowin notorioullie, that the Presbytrie, quher the offender maks residence, both hes gottin knowledge of the fact, and either hes altogether neglectit the tryall therof, or els not satisfied his Majestie with the punishment imposit to the offenders be them.

Sessio 11<sup>a</sup> Eodem die.

Forfameikle as the Commiffioners of the Generall Affemblie, at the Parliament haldin in December last bypast, vpon ane earnest zeale quhilk they did alwayes beare to the weill of the Kirk, had givin in certaine articles to the Lords of Parliament, concerning the libertie of the Kirk, and in speciall had craveit that the Ministrie, as representing the true Kirk of God within

this realme, and so being the third Estate in this realme, might have vote in Parliament according to the loveable acts and constitutiouns of before made in Parliament, in favours of the friedome and libertie of the holie Kirk; quhilks thair travells and indevores, proceeding alwayes vpon ane godly intentioun, they submittit to the censures of this present Assemblie, defyreing the brethren to allow or disallow the same, as they sould think most expedient for the glorie of God and the establisching of the true religioun within this realme: Quhervpon the brethren being ryplie advysit, allowit the honest and godlie intentioun of the Commiffioners in craveing vote in Parliament [for the Ministrie,] as conforme and aggriewing to sundrie vther acts of the Assemblies preceeding, in the quhilk it hes bein found expedient that the Kirk sould [fute] vote in Parliament.

Forfameikle as his Majestie is willing to vtter his good intentioun that he hes alwayes borne to the establisching of the true Kirk of God within this realme, declairit, that for the better performance thereof, his Hienes had assisted the Commiffioners of the last Assemblie in craveing vote in Parliament in name of the Kirk; quhilk thair fute, albeit it was in some pairt, and [as it were] in a certaine manner, grantit be the Lords of Parliament; yet the acceptatioun therof, the forme, and haill circumstances of the persons, were referritt to this Generall Assemblie, to be acceptit or refusit as the Kirk sould think expedient. And seing his Majestie had anticipat the appointit tyme of the Assemblie, and defyred the brethren to conveine at this present time, especially for the cause forsaide; therfor his Majestie defyrit that the brethren wald enter in a particular consideratioun of the haill points of the said act in every particular point thereof; and first to reason, in publick audience of the haill Assemblie, whither it were lawfull and expedient, that the Ministrie, [as] representing vndoubtedlie the Kirk within this realme, sould have vote in Parliament, or not.

The said questioun being at verie great lenth reasonit and debaittit in vtramque partem, in presence of the haill brethren, and therafter vottit, the Generall Assemblie votis, [finds,] and concludis, that it is necessar and expedient for the weill of the Kirk, that the Ministrie, as the thrid Estate of this realme, in name of the Kirk, have vote in Parliament.

Sessio 12<sup>a</sup> 14 Martij.

Concerning the number of the Ministrie that fould have vote in Parliament in name of the Kirk, it was lykewayes concludit and thocht expedient, that als many of them fould be chofin for the vote [in Parliament] as was wont of auld, in tyme of the Papistickall Kirk, to be Bischops, Abbots, and Pryours, that had the lyke libertie, viz. to the number of fiftie and ane, or therby.

Item, After reasoning, it was vottit and concludit, that the electioun of sicker of the Ministrie as fould have vote in Parliament, aucht to be of ane mixt qualitie, and appertaine partlie to his Majestie, and partlie to the Kirk. And becaufe, through fhortnefs of tyme, the brethren could not be perfytelie resolvit in the remanent heids and circumstances concerning the office of him that fould have vote in Parliament, viz. de modo eligendi; of his rent; of the continuance of his office, whither he fould be chofin ad poenam, or not; of his name; of the cautions for preservatioun of him from corruptiouns, and sicker vther circumstances: Therfor the Assemblie ordaines every Presbytrie to be rypelie and throughlie advysit with the particular heids above wrytin; and therafter to convocat thair Synodall Assemblies through the haille countrey vpon ane day, quhilk falbe the first Tuesday of Junij nixt to come, and ther, after new reasoning and advysement of the particular heids above wrytin, that every Synodall choose out thrie of the wyfest of thair number, quho falbe readie vpon his Majesties advertisement, quhilk falbe vpon ane moneths warning at the least, to conveyne with his Majestie, together with Doctours of the Vniversitie, viz. Mrs Andro Melvill, Johnne Johnstoun, Robert Rollock, Patrick Sharpe, Robert Howie, Robert Wilkie, and James Mertin, sicker day and place as his Majestie shall think expedient, with power to them to treat, reason and conferre vpon the saids heids, and vthers pertaining thereto; and in case of aggriment and vniformitie of opiniouns, to vote and conclude the haille questioun concerning vote in Parliament: vtherwayes, in case of discrepance and variance, to referre the conclusioun therof to the nixt Generall Assemblie.

For better observing of the Presbyteries, It is statute or ordainit, that every Presbytrie shall assemble themselves once ordourly, ilk weike in thair full number, at the least so many of them as hes thair residence within aucht myles to the place of the ordinar conventioun of the Presbytrie.

That every member of the Presbytrie studie the text quhervpon the exercise is to be made.

That a commoun heid of religioun be intreattit every moneth in ilk Presbytrie, both be way of discourse and disputation.

That every Pastour have ane ouklike exercise of instructioun and examination of ane part of his congregatioun in the Catechisme.

Quhilks hail heids are ordainit to be observit vnder the paine of incurring the censures of the Kirk.

Sessio ultima. Eodem die.

Anent the Protestatioun given in be Mr John Davidstone, for himselfe and in name of certaine brethren, as he alledgit, protesting, that this present Assemblie was not ane frie Assemblie; quhilk his Protestatioun he desyrit to be insert in the bookes of the Assemblie.

It being inquirit be the Moderatour, if any man wald adhere to the said Protestatioun: There was none found that wald adhere to the same, nor was of the said Mr John his opinioun thereanent; and therfore the brethren dischargeit the Clerk to insert the same in the books of the Assemblie.

The brethren having red and considerit the paines and travells takin be Mr Patrick Sharp, Principall of the Colledge of Glasgou, and his Lessouns vpon the Catechisme and grounds of religioun, allowis of the same, and thinks them very necessar and profitable; and therfor ordaines them to be printit.

Because the questioun anent summar excommunicatioun, for lake of tyme, cannot be commodiously intreatit at this present, therfor the brethren continewis the same quhill the next Assemblie: in the meane tyme suspends all summar excommunicatioun.

Because ther hes bein no ordour sett downe hitherto anent the number of Commissioners [to be] direct from every Presbitrie to be sent to the Generall Assemblie, Therfor it is statute and ordanit, that, in all tyme comeing, thrie of the wyfest and the gravest of the brethren salbe direct from every Presbytrie at the most, as Commissioners to every Assemblie; and that none presume to come but commissioun, except they have a speciall complaint; and that the Clerk of the Assemblie take heid to receive no more in commissioun bot thrie allanerlie, as said is; and lykeways that ane be direct from every Presbytrie in name of Barrones, and ane out of every

burgh except Edinburgh, quhilk sall have power to direct two Commiffioners to the Generall Affemblie.

Anent the supplicatioun givin in be the Towne of Dundie, craveing ane vther Minister to be appointit to them in place of William Chrystefone, quho through age is not able to discharge his calling : The brethren thocht their desyre reasonabill ; and having appointit on the leits Mrs Johne Hall, Minister at Leith, and Robert Howie, Principall of the New Colledge of Aberdein, be pluralitie of vottis, Mr Robert Howie was chofin to be Minister at Dundie, and ordainit to be transportit with all possible diligence.

Because it was reportit that the Ministrie of Orknay had dilapidat thair benefices be setting of tackis of the rent of the same, to the great hurt and prejudice of the kirks, Therfor it is flatute and ordainit, that none of the Ministers of Orknay or Zetland fett any tacks of any part of the fruites of thair benefices, nor get give thair consent to the tackis that salbe sett be vthers, in any tyme comeing, vnder the paine of deprivation.

Because it was reportit be certaine of the brethren, that notwithstanding of the actis of the Affemblies proceeding against faillors and traffiquers with Spaine, the said traffique was not intermittit, Therfor the Affemblie ordaines the acts made anent the saids traffickers to be put to farther execution in all points, but any respect of persons.

The Affemblie hes ordainit the Presbitries of Dundie and Arbroth to summond befor them the Countessis of Huntlie, Sutherland, and Cathnes, to subscryve the Confessioun of Faith, vnder the paine of excommunicatioun ; quhilk summonds salbe execute be Mr William Paip, quho sall summond the Ladie Cathnes ; Alexander Dowglas, the Ladie Huntlie ; and George Monro, the Ladie Sutherland.

The brethren ordaines the nixt Generall Affemblie to be haldin at Aberdein, the first Tuesday of July 1599 zeirs.

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[By the Kings Proclamations the next General Assembly was appointed to be holden at Montrosse in March. C.]

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A. D. M.DC.

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THE Generall Affemblie of the Kirk of Scotland haldin at Montrois, the 18 of Marche 1600 zeirs: Quher the Kings Maiestie being personallie present, were conveynit the Commissioners of Schyres.

Sessio 1<sup>a</sup>

Exhortatioun being made be Mr Peter Blackburne, Moderatour of the last Affemblie, Mrs Robert Bruce, Patrick Galloway, Robert Wilkie, Patrick Sharp, James Melvill, and Patrick Simfone, were appointit on the leits: Be pluralitie of votis Mr Robert Wilkie was electit Moderatour hac vice.

Sessio 2<sup>a</sup> Eodem die.

The Commissioners appointit in the last Generall Affemblie for visitatioun of the kirks within every Presbitrie, as are particularlie divydit in the said Commissioun, being requyrit quhat diligence they had done in discharge of the said commissioun: It was answerit for the most part of them, that they were not able to discharge any part of the said commissioun, in respect they wantit moyen to make thair expensis during the tyme of the visitatioun: and therfor the Affemblie thocht good that it shold be meanit to his Maiestie, that through inlake of expencis the worke of visitatioun

was lyke to ceafe, and to crave that some remeid may be provydit therto.

Forfameikle as it was regratit, that the aēt made in the laſt Affemblie, anent the ordinar keiping of Prefbytries, and the reſorting therto, was not regardit be fundrie of the Miniſtrie, and ſpeciallie be them of the Prefbitries of Air and Irwing : Therfor the Generall Affemblie ordaines the ſaid aēt to be put to executioun in all points, throughout all the Prefbitries within this realme ; and quhoſoevir contemnes and violats the ſamein, after twyſe admonitioun, that he be ſuspendit from his miniſtrie : ordaining the viſitors, that ſalbe appointit fra this Affemblie, to report to the nixt Affemblie quhat diligence they find done, tuiching the keiping of the ſaid aēt.

Seſſio 3<sup>a</sup> 19 Martij.

Anent the ſupplicatioun givin in be the Synodall of Galloway, making mentioun, that quher they had ane aēt for the erecting and bigging of ane kirk at the burgh of Stranrawer, within the Prefbitrie of Wigtoun, and annexatioun therto of the 20 pound land of the parochine of the Inche, lyand towards the coaſt of Ireland, pertaining to the Lairds of Garthland, Stranrawer, Kinhilt, and Sorbie, with the 29 mark land of the parochin of Salfett, the fyve mark land of Auchterlure, and fyve mark land of Stranrawer, as being moſt commodious for the inhabitants of the ſaid lands, for reſorting to the ſaid kirk for heiring of the Word ; vnto the quhilk erectioun and annexatioun forſaid, the heritours and kyndlie tennents of the ſaid lands, hes alreadie givin thair conſent : delyreand, therfor, the Generall Affemblie will ratifie and approve the ſame, as at mair lenth is conteinit in thair ſupplicatioun. The Generall Affemblie [ratifies and] approves the erecting [and annexatione] forſaid, of the ſaid Synodall of Galloway in all points.

Becauſe the generall queſtioun was proponit to the hail Affemblie, quher congregatiouns are ſo ſpacious, that a great part therof may not commodiouſlie reſort to thair awin paroch kirk, be reaſon of the great diſtance of thair habitatioun therfra, If it be lawfull to ane number of the ſaid congregatioun to big ane new kirk, and intertaine a Paſtor at the ſame

vpon thair awin expenſis : The Generall Affemblic, after lang reaſoning, thinks it both lawfull and expedient, and declares they will aſſiſt the ſamein as a godlie wark, and will crave the ſamein to be ratified in Parliament, how ſo oft it fall occurre.

Becauſe it was reportit, that a great number of gentlemen, and vthers of this realme, wilfullie and obſtinatelie abſtaines from the holie communion ; ſome vnder collour of deadlie feids, and ſome for ſome vther licht cauſes : Therfor, for remeid of the ſaid abuſe, it is ſtatute and ordainit, That all Preſbitries, within this realme, give expreſſe charge and command to every particular Miniſter within thair bounds, charging them to take vp the names of all them within thair parochines, quho hes not communicat ilk zeir anes at the leiſt ; and therafter ſummond them [to compeir] befor the Preſbitrie, to heir and ſie themſelves decernit to communicat within thrie monethis nixt after the charge ; certifieand them and they failzie, the act of conventioun made aganis non communicants ſalbe put to executioun aganis them : quhilk being done, and the ſaids perſons, non communicants, remaining obſtinate, and the ſaidis thrie monethis expyred, that the Preſbitries delate the names of the ſaids non communicants to the Kings Maieſtie, to the intent the forſaid act of conventioun made againſt non communicants may be put to executioun aganis them : And in the parochin quher ther is no Miniſter, that this ordour be ſupplied be the Preſbitrie within the quhilk the ſaid paroch lyes.

Forſameikle as it was heavilie lamentit in the Kings Maieſties preſence, that quhenas fundrie of the Miniſtrie were occupied in thair lawfull calling, in perſewing malefactours, ſuch as adulterers, murtnerers, and vther ſlanderous perſons, vrging them to purge [themſelves of] the ſlanders commitit be them, conforme to the ſtatutes of the Kirk, daylie obſervit within this realme, that at ſuch tymes they were drawin from thair calling, and chargit to compeir befor the Secreit Counſell, be letters privielie obtainit vpon falſe narratives be the ſaids ſlanderous perſons ; quherby not only were they diſtractit from thair lawfull functiouns, but alſo the diſcipline of the Kirk and puniſhment of vyce [was] greatlie [neglectit and] contemptit : Therfor the brethren of the Affemblic moſt humble requeiſts his Maieſtie not to ſuffer ſuch contempt of the diſcipline of the Kirk, quherby the brydle wald be louſit to all impietie and licentious living.

To the quhilk his Maieſtie promiſt, that, in tyme comeing, no letters ſould



be direct from the Secreit Counsell, at the instance of any perfon, aganis any Minister in particular, or any Presbitrie in generall, for quhatsoever thing he or they fall doe in the executioun of their offices, befor the perfon, requyrer [of the saids letters,] produce ane testimoniall under forme of ane instrument de denegata iustitia of the Minister or Presbytrie judge ordinar.

Sessio 4<sup>a</sup> Eodem die, post meridiem.

The brethren appointit to await vpon the Kings Maiestie, for advyseing of such articles as sould be cravit of the nixt Conventioun for taking ordour with Jesuits, Papists, Seminarie Priests, &c., hes, with the Kings Maiesties advyse, formed the articles vnderwrytin, to be givin in to the nixt Conventioun.

1. That all Jesuits and Seminarie Priests, excommunicat and trafficking Papists, that fall happin, in any tyme comeing, to returne within the countrey, or that are presentlie within the countrey, fall, immediatlie after their delatioun to his Maiestie, be apprehendit and put in ward, ther to be detainit ay and quhill they be convertit to the religioun, or els punischt according to the acts of Parliament, or els removit aff the countrey.

2. That the resettlers of obstinate excommunicat Papists, and their cheife friends and acquaintances, in whose houses they haunt, be chargit to find catioun, vnder a pecuniall paine according to thair abilitie and rank, that they fall no way receit nor intertaine the said excommunicats.

3. That all excommunicat Papists be chargeit to satisfie the Kirk within the space of thrie monethis, vnder the paine of horning; and if they failzie, to be denunciit therto, that thair escheitts and lyferents, in cace of geir and dayes rebelloun, may be intromettit with be his Maiesties Thesaurer, and not disponit to any donatour.

4. That the Marqueis of Huntlie be chargeit to [exhibit and] present before his Maiestie and Secreit Counsell, John Gordoun of Newtoun, Patrick Butter, and Alexander Leslie, according to his band, that they may be committit to ward ay and quhill they satisfie the Kirk.

Bonytoun Jonger, alledgit resident within the Presbitries of Ellon, Aberdeine, and Breichin, is ordainit be the General Assemblie to be convenit befor the Presbitrie of Brechin, and ther to offer his satisfiactioun as to his judges ordinar.

Tarwes, and Methlik, kirks of the Synodall of Aberdeine, vpon the xj day of November 1597 geirs, with mutual consent of the parochiners, and heritours of the lands to be interchangit and annexit, with consent of the said Synodall, excambit certaine lands, and annexit them in respect of the farre distance from thair awin paroch kirks, and contiguitie to the kirks quher-vnto they are annexit, but prejudice alwayes of thair rents of the Perfonage and Viccarrage of the faids lands, to be payit to the auld Persons and Viccars, as befor the said excambion. The Generall Assemblie, at the desyre of the said Synodall, ratifies and approves the said excambion and alteratioun in all points, and ordaines the samein to take full effect.

Forfameikle as diverse and great inconveniences arifes daylie through the vntymeous marriage of young and tender persons befor they come to age meit for marriage; and that ther is no law, nor statute of the Kirk, [made] as get desyning the age of persons to be married: Therfor it is statute and ordainit, that no Minister within this realme presume to joyne in matrimonie [any persones], in tyme coming, except the man be of fourtein geirs, and the woman of twelve geirs at the leift: ordaining lykewayes the Commissioners of the Generall Assemblie to desyre this statute to be ratified in the Conventione.

Anent the questioun, Whither a man being blind may discharge all the parts of the office of a Pastor; and in speciall anent the admissioun of Mr Johne Boyle to the ministrie of Jedburgh, being blind: The Assemblie referres the ansuer of the generall questioun to the next Generall Assemblie.

And as to the admissioun of the said Mr Johne, referris it to the Commissioners of the said Generall Assemblie; and in the meanetyme discharges the said Mr Johne fra vling any part of the office of a Pastour, except the preaching of the Word.

Because the mariage of persons convict of adulterie, is a great alluremeent to married persons to committ the said cryme, thinking therby to be separate from their awin lawfull halfe marrowes, to injoy the persons with quhom they have committit adulterie: for eschewing quherof, the Generall Assemblie thinks it expedient, that ane supplicatioun be givin in to the nixt Conventioun, craveand ane act to be made, dischargeand all mariages of such persons as are convict of adulterie; and that the samein be ratified in the nixt Parliament: ordaining the brethren appointit to awaite vpon the nixt Conventioun to give in this article with the rest.

Sessio 6<sup>a</sup> 20 Martij, post meridiem.

Forfameikle as, in the last Assemblie, ther was commissioun givin to every Synodall within this realme, to elect and choose out thrie of the wyfest of thair number, to be readie vpon his Majesties advertisement, and to conveyne with his Hienes, and treat vpon such heids, concerning vote in Parliament, as were not condiscendit vpon in the last Assemblie, and, in cace of agriement, to conclude the haill matter; vtherwayes to referre the same to the nixt Assemblie, as at mair lenth is conteinit in the said commissioun: conforme to the quhilk, the saids Commissioners being conveynit at Falkland, the 25 day of Julij 1598, they being rypelie advysit with the heids following, gave thair advyce and conclusioun, as follows:

1. Concerning the maner of choosling of him that fall have vote in Parliament in name of the Kirk: It is condiscendit vpon, that he fall first be recommendit be the Kirk to his Majestie; and that the Kirk fall nominat fixe for every place that fall have neid to be filled, of quhom his Majestie fall choose ane, of quhom he best lykes; and his Majestie promifes, obleifes, and binds himselfe to choose no vther but ane of that number: And in cace his Majestie refuses the haill vpon ane just reason of ane insufficiencie, and of greater sufficiencie of vthers that are not recommendit, the Kirk fall make ane new recommendatioun of men according to the first number, of the quhilk, ane salbe chosin be his Majestie without any farther refusall or new nominatioun; and he that salbe chosin be his Majestie, salbe admittit be the Synods.

2. It is concludit, that the Generall Assemblie fall have the nominatioun or recommendatioun of him that, in the name of the Kirk, fall vote in Parliament, quho fall take the advyce of the Synods and Presbyteries theranent, direct from them in wryte: and the Synod fall have libertie to nominat asweill within thair province as without; provyding that there be a man within the province meit for the place, cæteris paribus, he be preferrit to another.

3. Anent his rent: It is advyseit, with one consent, that the Kirk being plantit sufficientlie, the Colledgis and Schooles alreadie erectit not prejudgeit, that the Kings Majestie fall provyde him to all the rest that may be obtainit of that benefice, quherto he is preferrit.

As to the cautions to keip him, that fall have vote in Parliament, from corruptiouns : They be these following :

1. That he presume not, at any tyme, to propone at Parliament, Counsell, or Conventioun, in name of the Kirk, any thing without expresse warrand and directioun from the Kirk, and sick things as he fall answer [for] to be for the weill of the Kirk, vnder the paine of depositioun from his office : neither fall he consent, or keip silence, in any of the saids Conventiouns, to any thing that may be prejudiciall to the weill and libertie of the Kirk, vnder the samein paine.

2. He fall be bound, at every Generall Assemblie, to give ane accompt anent the discharge of his commissioun sen the Assemblie gangand befor ; and fall submitt himselfe to thair censure, and stand at thair determinatioun quhatsumever, without appellatioun ; and fall seik and obtain ratificatioun of his doings at the said Assemblie, vnder the paine of infamie and excommunication.

3. He fall content himself with that part of the benefice quhilk salbe givin in be his Majestie for his living, not hurting nor prejudging the rest of the Ministers of the kirks, within his benefice, plantit or to be plantit, or any vther Minister [of the countrie] quhatsumever ; and this claus to be insert in his provisioun.

4. He fall not delapidat in any wayes his benefice, neither make sett nor dispositioun therof, without the special consent of his Majestie and Generall Assemblie : and for the greater warrand heirof, he fall interdyte himselfe not to delapidat his benefice, nor consent to delapidatioun thereof made be vthers to the Generall Assemblie ; and salbe content that inhibitiouns be raised on him to that effect.

5. He salbe bound faithfullie to attend vpon his awin particular congregatioun, quherat he salbe Minister, in all the points of a Pastor ; and heiranent salbe subiect to the tryall of his awin Presbitrie and Provinciall Assemblie, as any vther Minister that beares not commissioun.

6. In the administratioun of discipline, collatioun of benefices, visitatioun, and all vther points of ecclesiasticall government, he fall neither vsurpe nor acclaime to himselfe any power or jurisdictioun farther than any vther of the rest of his breither, unlesse he be imployit be his breither, vnder the paine of deprivation : And in cace he vsurpe any part of ecclesiasticall government, and the Presbitrie, Synodall, or Generall Assemblie, oppone

or make any impediment therto ; quhatfoevir he doe, after that impediment, to be null, ipso facto, without any declaratour.

7. In Presbitries, Provinciaill and Generall Affemblies, he fall behave himselfe in all things, and be subjeēt to their censureing, as any of the brethren of the Presbitrie.

8. At his admissioun to his office of Commissioner, thir and all vther points necessar he fall sweare and subscryve to fulfill, vnder the paine of the penalties forsaids ; and vtherwayes not to be admittit.

9. And in cace he be deposit be the Generall Affembly, Synod, or Presbitrie, from his office in the Ministrie, he fall also tyne his vote in Parliament, ipso facto, and his benefice fall vaik.

And farther cautions to be made as the Kirk pleases and finds occasioun.

Anent his name that for the Kirk fall [have] vote in Parliament : It is advyseit, be vniforme consent of the haill brether, that he salbe callit Commissioner of such a place ; and in cace the Parliament, be his Majesties moyen, be induceit to acknowledge that name, it fall stand so : if not, the Generall Affembly fall conclude this questioun anent his name.

The questioun being demandit, Whither the commissioun of him that for the Kirk [fall vote in Parliament,] shuld indure for his lyfe tyme, except some cryme or offence interveine, or for a shorter tyme at the pleasure [of the Kirk] : The Commissioners of the Provinciaill Affemblies being of diverse opiniouns, thocht good to referre this questioun to the nixt Generall Affembly.

Quhilks haill conclusiouns being red in presence and audience of the haill Affembly, and they being rypelie advyseit therwith, ratified, allowit, and approvit the samein ; and thocht expedient that the said cautiouns, together with sick vthers as salbe concludit vpon be the Affembly, be insert in the bodie of the act of Parliament, that is to be made for confirmatioun of vote in Parliament to the Kirk, as most necessar and substantial parts of the samein.

Anent the supplicatioun givin in be James Leirmonth, gonger of Dairfie, James Kynninmonth of that ilk, Johne Traill of Blebo, for themselves, and in name of thair tennents, and vthers, parochiners of the paroch of Sanct Androes, makand mentioun, That albeit they are parochiners of the said paroch kirk, lykeas they and thair predeceffours hes bein [continually subjeēt to the discipline of the said kirk, and hes been] ever readie to vnderly

quhatfoevir burdein was imposit for furtherance of the said kirk, and con-  
curre with the rest of the parochiners, according to thair rent and portioun  
of the said paroch : nevertheles the Ministrie and Sessioun of the said kirk  
refuses to suffer them and thair saids tennents to enjoy the benefits of the  
Kirk with the remanent of the said paroche ; but debarres them from the  
heiring of the Word, receiving of the sacraments, and benefite of marriage,  
within the said kirk of Sanct Androes, but any reasonable cause : De-  
fyreand, therfor, ane command to the Ministrie and Sessioun of the said  
kirk of Sanct Androes to admitt the forsaids persons and thair vassalls to  
the hearing of the Word in the said kirk of Sanct Androes, and the enjoy-  
ing of the haill remanent benefites of the Kirk, as at mair lenth is conteinit  
in the said supplicatioun.

The Generall Assemblie having confidderit the premisses, commands and  
ordaines the Ministrie and Sessioun of the said kirk of Sanct Androes to  
admitt the saids complainers, and thair vassalls and tennents, parochiners  
of the said kirk, to the hearing of the Word, mariage, and receiving of the  
sacraments of the Kirk, within the said kirk of Sanct Androes, as thair  
proper paroch kirk, in all tyme comeing, ay and quhill thair awin consent  
be obtainit in the contrair.

Sessio 7<sup>a</sup> 21 Martij.

Anent the supplicatioun givin in be the parochiners of Tulliebodie, make-  
and mentioun, Albeit the said paroch of Tulliebodie be ane auld paroch,  
separate from all vthers, having within itselſe the number of foure or fyve  
hundreth communicants or thereby, and payes thair teinds to the Abbot  
of Cambuskenneth, quho rigorouſlie exacts the ſame : Nevertheleſſe the  
Presbitrie of Striveling hes, be thair ordinance, commandit the said kirk of  
Tulliebodie to be vnittit to the Chappell of Alloway moſt wrangouſlie ;  
ſeeing the ſaids complainers, be ane anterior command of the ſaid Pres-  
bitrie, not only reedified thair ſaid Kirk of Tulliebodie, but alſo, vpon  
thair awin charges, furniſchit a Paſtor to the ſaid kirk ; lykeas get they are  
moſt willing to doe, notwithstanding thair teinds are moſt wrangouſlie led  
away be the ſaid Abbot, as ſaid is : deſyreing, therfor, thair ſaid supplica-  
tioun to be confidderit, and the ſaid unioun to be diſſolvit, as, at mair lenth,  
is conteinit in the ſaid ſupplicatioun.

The brethren of the Presbitrie of Striveling being callit to give a reason of this thair vnioun of the said kirks, ansuerit, That the cause moving them was, First, That both the saids parochines lay verie commodiouse to the said kirk of Alloway: Secondlie, That the number of both the saids parochines wald make but one sufficient congregatioun: Thirdlie, That ther could not be ane stipend obtainit to the said kirk of Tulliebodie, in so farre that at the desyre of the saids complainers, ther being ane Pastour appointit to the said kirk, vpon promise that they wold furnishe him a sufficient stipend, he was forcit, for povertie, for to leave them: quheras, be the contrair, be the vnioun of the said two kirks, the Erle of Marre furnishes a sufficient stipend to ane Pastour, resident at the same.

The Generall Assemblie having considerit the premies, ratifies and approves the vnioun of the saids kirks of Alloway and Tulliebodie, and ordaines Alloway to be the paroch kirk in all tyme coming.

Anent the supplicatioun givin in be the Presbitrie of Deir, makand mentioun, that quher the Laird of Phillorth having erectit ane Colledge vpon the towne of Frazerburghe, and aggreit with Mr Charles Ferme to be both Pastour of the said burgh, and Principall of his Colledge; quhilk burdein the said Mr Charles refuses to accept vpon him, without he be commandit be the Generall Assemblie: Desyreand, therfor, ane command to be givin to the said Mr Charles to accept both the said charges, as at mair lenth is containit in the said supplicatioun:

The Generall Assemblie having at length considerit the necessitie of the said wark, and how the said Laird of Phillorth hes refusit to intertaine a Pastour at the said kirk, vnlesse he vndertake both the said charges, Therfor commands [and charges] the said Mr Charles Ferme to vndertake and awaite vpon, asweill the said kirk, as to be Principall of the Colledge of Frazerburghe.

#### Sessio 8<sup>a</sup> Eodem die.

Forfameikle as the Commissioners of the Synodalls conveinit at Falkland, the 25 of Julij 1598 zeirs, being of diverse opiniouns concerning the continuance of his commissioun that sall have vote in Parliament, Whither he sould indure for his lyfetye, except some cryme or offence interveine, or

for a shorter tyme, at the pleasure of the Kirk, they thocht good to referre the same to this present Assemblie : Therfor the Generall Assemblie having reafonit at length the said questioun, tuiching the continuance of him that fall have vote in Parliament, after votting of the same, finds and decernes, that he fall annuaitim give count of his commiffion obtainit from the Assemblie, and lay downe the samein at thair feitt, to be continuit or alterit therfra be his Maiestie and the Assemblie, as the Assemblie, with consent of his Maiestie, fall think most expedient for the weill of the Kirk.

It is statute and ordainit, that nane of them that fall have vote in Parliament, fall come as Commiffioners to any Generall Assemblie, nor have vote in the same in any time comeing, except he be authorizit with a commiffion from his awin Presbitrie to that effect.

It is found be the Assemblie, that crimen ambitus falbe a sufficient cause of deprivation of him that fall have vote in Parliament.

It is statute and ordainit, that every Minister intimat this Generall Assemblie, that the vote in Parliament is concludit be the Assemblie ; and that nane vtter speich in pulpitt contrair the same.

Forfameikle as it hes bein found necessar of before, and profitable for the weill of the Kirk, that certaine Commiffioners be appointit fra Assemblie to Assemblie, whose speciall care and travell fould be to give thair advyce to his Maiestie in all affaires concerning the weill of the Kirk, and intertainment of peace and concord betuixt his Maiestie and the Kirk : Therfor the Generall Assemblie, continowing in that same course, hes givin and grantit, lykeas be the tenour heirof gives and grants, thair full power and commiffioun to Mrs Johne Strachane, James Nicolfone, Andro Mylne, Alexander Forbes, Alexander Dowglas, Robert Howie, James Melvill, Johne Caldcleuch, Robert Wilkie, Harie Livingstoun, Alexander Lindsay, George Glaidstanes, Robert Pont, David Lindsay, Robert Bruce, Johne Hall, Johne Clappertoun, Johne Knox, Andro Lamb, James Lowfone (Law?) Johne Spottifwood, Gawin Hamiltoun, David Barklay, Andro Knox, with the Kings Maiesties Ministers, or any nine of them ; Giveand, grantand, and committand to them thair full power to plant fuch kirks in Burrogh Townes as are destitute of Pastours ; and in speciall, the kirk of Leith, in place of Mr Johne Hall last removit therfra, and the southweft kirk of Edinburgh, vaikand be the deceis of vmqubile Mr Robert Rollock : to present the greives of this present Assemblie to the nixt Con-



ventioun, and to receive the anfuers of the famein. And lykewayes, in cace his Maiestie find himselfe greivit at any enormities committit be any of the Ministrie, to try and cognosce vpon the famein, and take sick or-dour theranent as falbe meitest to the glorie of God, and weill of the Kirk ; to advyse with his Maiestie anent the effectuating of the constant platt : Promitten de rato &c.

Thir are the Commissioners appointit to await on the Conventioun ; Mrs David Lindfay, Robert Bruce, James Nicolfone, Andro Lamb, William Couper, Alexander Lindfay, Johne Spottifwood, with the Kings Maiesties Ministers.

Because it was vnderstand be the Assemblie, [that Mr Andrew Lamb,] Minister at Aberbrothok, was lickle to be transportit to some vther flock, quher his gifts micht profite the Kirk in some greater abundance : Ther-for the Generall Assemblie gives licence to the said Mr Andro Lamb to be transportit from the said kirk of Aberbrothok.

The said day, the Generall Assemblie receivit and admittit Mr Thomas Hope to be Solifter for the Kirk in place of James Mowat ; quho being personallie present, dimittit the same in the Assemblies hands, after the said Mr Thomas had givin his oath of fidelitie in the said office.

Anent the proceffe of appellatioun persewit be James Lord Lindfay of the Byres, and remanent gentlemen and parochiners of the paroch kirk of Seiris, aganis the Presbyteries of Couper and Sanct Androes, concerning the admissioun of Mr Robert Buchannan, Provest at Kirkheuch, to the Ministrie [at the kirk] of Seiris, and transportatioun of him from the kirk of Forgane in Fyfe : The brethren appointit to visite the said proceffe, having made thair report to the haille Assemblie, the rights, reasons, and allegatiouns of all the said pairties beeand [heard and] confidderit, The General Assemblie decernes and ordaines the said Mr Robert to remaine Minister at the said kirk of Seiris : And sick lyke-gives thair power and commissioun to Mrs James Melvill, Robert Wilkie, James Nicolfone, Alexander Lindfay, and William Scott, giveand them power to elect and choose out a discreit man, with consent of the saids parochiners of Seiris, to be adjoint to the said Mr Robert as Minister and fellow helper with him at the said kirk of Seiris ; with power also to them to modifie how mikle of his stipend falbe modified [payit?] be the said Mr Robert, and how mikle be the saids parochiners of Seiris. And in speciall, the Assemblie

recommends vnto them thair brother, Mr William Symfone, Minister at Bruntiland.

Forfameikle as there are diuerſe parts of the countrey, that, for lake of viſitatioun, are become almoſt deſolate, Therefor the Generall Affemblic heſ thocht good that certaine viſitours be directit for viſiteing of the bounds of Kirkudbright and Wigtoun, Mrs David Barklay, Alexander Scrymgeour, and Nathan Inglis ; of the bounds of Murray, Mrs George Hay and Andro Crombie ; of the bounds of Orknay and Cathnes, Mrs Robert Pont, John Monro elder, and John Monro zonger ; of the bounds of Roſſe, Mrs Alexander Dowglas, Johne Carmichaell, and William Scott ; and for Nitheſdaile, Mrs Robert Wallace and Johne Welfche : with power to them to inquyre in the lyfe, doctrine, and qualificatioun of the Miniſtrie within the ſaids bounds ; to try the ſayers and heirars of meſſe within the ſamein : with power alſo to plant and transport Miniſters to ſuch places as they ſhall think moſt expedient for the glory of God and weill of the Kirk ; and to report to the nixt Affemblic.

Becaufe the Iland of Errone lyes moſt commodious and adjacent to the Preſbitrie of Irvin, Therfor the Generall Affemblic annexis the ſame to the ſaid Preſbitrie.

Anent the ſupplicatioun givin in be the Preſbitrie of Miple, makand mentioun, That ſeeing the ſaid Preſbitrie had vnited the kirks of Effie and Neua to be and remaine a congregatioun vnder the charge of ane Paſtour, at ane kirk to be biggit in the mids of the ſaids two parochines ; partlie in reſpect of the ſewnes of the number [of] both the ſaids parochines, not extending [to] the number of fyve hundreth perſons ; partlie in reſpect of the commoditie of the place, ſeeing the fartheſt part of both the ſaids parochines will not be diſtant halfe a myle from the place, quher the ſaid kirk ſould be biggit ; and partlie in reſpect of the impoſſibilitie of moyen to ſuſtaine two fundrie Miniſters at the ſaids two kirks : Deſyreing, therfor, ane ratificatioun of the vnioun in this Affemblic, together with a command to the brethren direct to the Eſtates conveinit at Perth, to crave the ſamein to be ratified in the ſaid Conventioun, as at mair lenth is conteinit in the ſupplicatioun :

The Generall Affemblic ratifies and approves the vnioun forſaid ; and ſicklyke [ordaynes] the brethren appointit to gang to the Conventioun at Perth, to crave the ſaid vnioun to be ratified in the ſaid Conventioun.

Anent the appellatioun perſewit be the Preſbitrie of Dumfermling fra

the decreit pronuncit be the Synodall of Fyfe, haldin at Couper the 6 of Marche 1598, finding that the said Presbytrie had done wrong in planting of the kirk of Dalgatie with hurt and prejudice of the Kirk of Aberdoure, being the most great and populous congregatioun, and the haill stipend being but a meane stipend, and therfor decernand the haill stipend to remaine with the kirk of Aberdoure : The said Presbytrie of Dumfermling compeirand be Mr Johne Fairfull, Minister of Dumfermling, thair Commiffioner, and the Commiffioners of the Synodall of Fyfe being lykewayes present, with the Commiffioners of the Towne of Aberdoure, the rights and reasones of both the saids parties hard and confidderit, The Generall Affemblie decernes and ordaines Mr William Patoun, Minister at Dalgatie, to serve the cure of both the saids kirks of Aberdoure and Dalgatie, and to have assignit to him for his service thereat, the haill auld stipends of Aberdoure and Dalgatie befor the divisioun therof, for the crope and geir of God 1599, and geirlie in tyme comeing, ay and quhill sufficient provisioun may be gottin for planting of both the saids kirks.

The Generall Affemblie grants libertie to Mr William Symfone, Minister at Bruntiland, to transport himselfe from the said kirk, in respect he hes servit therat thir many geirs bygane, but any stipend ; and the Queines Maieftie and her Chamerlanes, quho was in vse of payment of before of the Ministers at the said kirk, refuses to make payment to the said complainer of the samein : and therfor recommends him to the Synodall of Fyfe, to have confideratioun of him in planting of their kirks.

The nixt Generall Affemblie is appointit to be haldin at Sanct Androes the last Tuesday of Julij 1601.

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[The General Affemblie appointit to be hauldin at Sanct Andros was be the Kings proclamation at Mercat croffes, commanded to be keipit with him at Brunteyland in the monethe of May. C.]

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A. D. M.DCI.

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THE Generall Assemblie of the Kirk of Scotland, haldin at Bruntiland, the 12 day of May 1601 zeirs. In the quhilk the Kings Majestie with his Commissioners of the Nobilitie and Burrowes, were present.

Sessio 1<sup>a</sup>.

Exhortatioun being made be Mr Robert Wilkie, Moderatour [of the last Assemblie,] the brethren proceedit to the electioun of ane new Moderatour : and Mrs Patrick Galloway, Patrick Simfone, Patrick Sharpe, Johne Hall, and James Robertson, being put on leits ; be pluralitie of votes Mr Johne Hall was chosen Moderatour hac vice.

Sessio 2<sup>a</sup> 14 Maij.

The quhilk day the brethren having entrit in confideratioun of the generall defection from the puritie, zeale, and practife of trew religioun in all estates of the countrey ; and how that the same must of necessitie, at last, be concludit either in Papistrie or Atheisme, within short space, in the righteous judgement of God, except some substantiall remeid be provydit therto in tyme ; and because the evill cannot be weill curit unlesse the originall springs and [speciall] causes therof be rypit up : Therfor the bre-

thren, after mature deliberatioun and weying of the causes of the said defectioun, hes found the principall causes therof to be, as followes.

Causes of the defectioun from the puritie, zeale, and practife of true religioun in all estates of the Countrey : And how the same may be most effectuellie remeidit.

The principall cause of this fearefull change, no doubt, is the iust wrath of God kindlit against the haille land for the vnreverent estimatioun of the Gospell, and for the sins of all estates, and dishonouring of their professions, and making the name of God to be blasphemed through the profane world without remorse.

Laik of care and diligence vpon the part of the Ministrie, in the discouerie of them that makes apostasie to Papistrie ; and negligence in executioun of the lawis and discipline aganis sick as happins to be discoverit.

Want of Pastours, and vnplantit kirks, and displanting of kirks, quhilk hes bein provydit, be diminutioun of the Thrids.

Neglecting of places that are of cheifst importance to the interest of religioun, in not planting sufficient Pastours therat, sick as [are] her Majesties house, the Princes house, the Erles of Huntlie, Erroll, and Angus houses, and places of their cheifst residence ; the Lord Hoomes house, the Lord Herries house, and cheife places of their residence ; the towne of Dumfreis, and vthers of the Nobilitie and [of] greatest power within the countrey.

The ovir hastie admissioun of men to the Ministrie, befor they be knowin to be of sufficient gifts and experience to discharge fruitfullie that high calling [in] thir difficle tymes.

The negligence of the Ministrie in advancing of their knowledge, be ever continuall and constant reiding of the Scriptures, and controversies of the tyme ; quherthrow they might be able to bring the consciences of their auditors in subiectioun to the obedience of the Gospell, and convince of the adversarie.

Negligence in the lyves of the Ministrie, not frameing their conversatioun in gravitie as paterns of lyfe to the peiple ; bot frameing themselves excessively to the humours of men, especiallie in communicatioun at tables, and giving sometymes examples of intemperance, [and] in the light and prodigall abulzements of their families.

The distractioun of myndis quhilk is supposid to be in the Ministrie ; [and] the distractioun quhilk is supposid to be of his Majesties mynd from some of the Ministrie.

The advancing of men suspect in religioun, and knawin to be evill affectit to the good cause, vnto offices, honours, [and] credit in Court, Counsell, and Sessiou, and vther rowmes of great importance within the countrey.

The desolatioun of the Kirk of Edinburgh through the want of Pastours.

The continuall residence and intertainment of the Ladie Huntlie, a knowin and profest Papist, of Margret Wood, sister to the Laird of Bonytoun, and vthers knawin and profest Papists, in his Majesties Court and companie.

The education of thair Majesties children [in] the companie of obstinat and profest Papists, sicker as the Ladie Livingstoun.

The negligent educatioun of the children of noblemen, and sending them out of the countrey vnder the charge of paedagogues suspect in religioun, or, at the least, not weil groundit and confirmit therin, to be brocht vp and instructit in places quher Papistrie is profest.

The impunitie of skippers, mariners, and awners of shipes, that, vnder the name of passingers, transports from vther places, and brings within the countrey Seminarie Priests, Jesuites, and vther traffiqueing Papists, with thair coffers, and bookes ; and the impunitie of sicker quho convoyes and sparfells the bookes through the countrey.

The decay of Schooles and of the educatioun of the youth in knowledge of good letters and godlines, speciallie a landwart, for lake of provisioun sufficient to intertaine a qualified Schoolemaster in places neidfull.

That men suspect in religioun, and challengit therfor be thair Presbytrie and Pastours, hes access to Court dureing the tyme of thair processe.

That the late reconcileit Papists are not vrgeit to performe the conditions agreit to be them at thair reconciliatioun to the Kirk.

#### Remedies of the former Evills.

The Generall Assemblie, having entrit in the consideratioun of the causes of the said [great and] fearefull defectioun of all estates of persons within this land from the true and sincere profession of the Gospell, [presentlie]

founding within the same ; and having found the principall causes of this change to be, no doubt, the just wrath of God kindlit against this land, for the vnreverent estimation of the Gospell, and for the sins of all estates, and for the dishonouring of their professioun, and making the name of God to be blasphemit be the profane world without remorse : quhilk horrible judgements hes fallin in every estate, for the contemptuous heiring of the Word of God, in so farre as ther is none hes worthilie esteimit the said precious Word according to the dignitie therof : Therfor, and for removing of the former evils, and causes, and farther judgements, if they be not preventit be speidie repentance, the Assemblie hes [concludit and] ordainit a generall humiliatioun to be keipit solemnlie throughout the haill land, with fasting and prayer in all severall congregatiouns, two severall Sabboth dayes, both in burgh and land, within the realme ; and lykewayes in burrow townes, throughout the haill weik betuixt the saids two Sabboths ; and the cause of the said humiliatioun to be [intimat to be] only the sins of the land, be the quhilk the professioun of the Gospell hes bein dishonourit, and the wrath of God provokit : quhilk generall humiliatioun is ordainit to be vpon the last two Sabboth dayes of Junij nixt to come.

The vnplantit kirks wald be effectuellie recommendit to his Majesties care, whose autoritie only is able to accomplish that worke ; and, for the better furtherance therof, that his Majestie wald cause take heid that the thrids be keipit vnvitiat.

Nothing more necessar nor to have his Majesties housse, the Princes house, the Erles houses, and places of thair residence, and vthers places of chiefeist importance, as the Towne of Dumfreis, to be weill plantit with learnit, wise, and godlie persons : and quher the laik of provisioun mycht be a hinder to the present planting, as at the Erles houses, it were requisite for a time, that the meitest for that purpose, not being in places quher the cause may be so farre interest be the want of a resident Pastour, sould be transportit fra thair awin places, to remaine for ane quarter or halfe ane geir, that ane substantiall meane may be found out for ane constant provisioun and planting of these rowmes, be whose labours, in the meane tyme, the Erles and thair families might be confirmit in the trueth, and the enemies debarrit from thair companies, and thereafter to returne to thair awin charges ; the Presbyteries, in the meanequhill, taking ordour for the helping of thair kirks in the tyme of thair absence : And to that effect, ordaines Mr George Glaidflanes to be direct to awrite vpon the Erle of

Huntlie ; Mrs Alexander Lindsey and William Couper vpon the Erle of Erroll ; Mrs James Law and Johne Spottiswood vpon the Erle of Angus ; Mr Johne Carmichell vpon the Lord Hoome ; Mrs David Lindsey and Johne Hall vpon the Lord Herreis.

That ane petitioun be givin in to his Majestie and Secret Counsell, desyring, that these quhom his Majestie knowis, or sall know heirafter, to deale in favours of profest traffiqueing Papists farther nor the lawes of the countrey fall permitt, falbe countit and haldin as men suspect in religioun, and fall not have the honour to be in his Majesties house, Counsell, or Session.

Item, That it be craveit lykeways of his Majestie and Secret Counsell, that all Papists, men and women, challengit be the Kirk for thair religioun, and not satisfieand the Kirk for the same, be dischairgit from resort to court, quhill they have satisfied, and bring from the Presbytrie of thair bounds a sufficient testimoniall of thair obedience.

Item, For discovering of the adversaries of the true religioun lurking within this countrey, it is ordainit, that every Presbytrie, immediatlie after the dissolving of this present Assemblie, take vp the names of the non communicants within thair bounds, and send them to his Majesties Ministers with all expeditioun, subscryvit be the Moderatour and Clark of the Presbytrie, and Minister of the paroch ; and that from this tyme furth, at every Provinciaall Assemblie, the names of the non communicants be tane vp, and sent to his Majesties Ministers.

Item, That it be inquiryt anent the late reconcilit Lords to the Kirk, be the Presbyteries quher they make residence, whither they have keipit and performit the articles subscrivit be them at thair receiving, and that they be vrgit severallie to performe every ane of the said articles ; and if they refuse, that the Presbyteries certifie the Kings Majesties Ministers therof.

Item, For eschewing of farther evill quhilk might come to the estate of the religioun be the evill educatioun of the youth foorth of the country, it wald be cravit of his Majestie and Secret Counsell, that such noblemen and vthers as directis a paedagogue with thair sonnes furth of the countrie, that thair paedagogue be knowin godlie and of good religioun, [learnit] and instructit in the samein, and approvit of his religioun be the testimoniall of his Presbitrie : that thair remaining out of the countrey be in the places quher the religioun is presentlie profest, or, at the least, quher ther is no restraint of the same be the crueltie of Inquisition : that dureing the



tyme of thair abſence they ſhall not haunt any idolatrous exerciſe of religion : and ſuch [as] heſ not the moyen to ſuſtaine a paedagogue with thair ſons forth of the countrey, that they ſend them to ſuch parts quher ther is no reſtraint [of religion : and in caſe thair ſonnes, after thair departing out of the countrey, haunt theſe parts quher the profeſſion of the trew religion is reſtrainit,] that they find caution not to intertaine them : And in caſe any that paſſes out of the countrey imbrace any religion except that quhilk is preſentlie profeſt within this realme, that they ſhall not be able to bruek moyen, heritage, honours, nor offices, within this realme ; and this to be ane exceptioun aganis the ſervice of thair breives, and at the tyme of admiſſioun of them to any office or honours : And in caſe any of thair parents contraveine any of the premiſſes, that they incurre ſuch paine as his Maieſtie and Secreit Counſell ſhall modifie ; and that ſuch as are already out of the countrey, [either] be callit back againe befor ane day to be appointit be his Maieſtie and Secreit Counſell, or els that thair parents be ſubiect to the lyke conditionis befor ſett downe.

Item, It ſhall be craveit of his Maieſtie and Secreit Counſell, that all ſkippers, mariners, and awners of ſhips, be inhite that they bring in any Jeſuites, Seminarie Priests, declarit fugitive traitours and rebels within the countrey, bot ſuch as they know to be of true religion, or heſ ſufficient teſtimoniall of the honeſtie of thair religion fra the places quher they have bein converſant, vnder the paine of eſcheiting thair hail goods ; and vnder the ſame paine, that they delyver them in the hands of the Magiſtrat of the towne or port, quher they ſhall happin to arryve at, ther to be keipit, ay and quhill they be examinat and tryed, and his Maieſties warrand obtainit for thair libertie after they have bein tryed [and fand] honeſt in religion ; and ſhall keip them, thair bookes, goods, and geir in ſhipboord, ay and quhill they receive ane warrand from the ordinar Magiſtrate for the releiving of the ſame ; and to that effect, that they ſett none vpon land bot in commoun ports, quher ther is ane Magiſtrate to receive the paſſengers from thair hands.

Item, That his Maieſtie be dealt earneſtly with anent the removeing of his dochter out of the Ladie Levingſtons companie, in reſpect of her obſtinate continueing in the profeſſioun of Papitrie : for the quhilk cauſe, his Maieſtie being requeiſted [be] the hail Aſſembly, promiſed that his Hienes dochter ſould be tranſportit, betuixt and Mertimes nixt to come, to his awin houſe.

And becaufe the non planting of kirks is a great part of the wyte of the defectioun from the puritie of religioun ; and that the beſt way for the planting of the ſaids kirks, is the furtherance of the conſtant platt for locall ſtipends to be appointit to every kirk within this realme : Therfor the Affembly hes ordainit the brethren following, viz. Mrs David Lindſay, James Nicollſone, Robert Pont, Patrick Galloway, George Glaidſtanes, Johne Nicollſone, or any thrie of them, to conveine [upon the firſt day of Junij] with my Lords Chancellor, Secreitar, Prefident, Collector, Comptroller, Sir Patrick Murray, and Mr George Young, to treat and advyſe on ſick overtures as, be thair commoun conſent, ſhalbe found moſt meit and expedient for advancing of the ſaid work of the conſtant platt, and to lay downe ſuch grounds as they ſhall find moſt meit and profitable for proſecuting of the ſame ; and to report thair diligence to the nixt Affembly.

Sefſio 3<sup>a</sup> Eodem die.

The Kings Maieſtie having declarit his intention and deſyre to have a Miniſter for his Hienes houſe, in reſpect of the deceiſe of Mr Johne Craig, and Johne Duncanſones old age, and another to the Queines Maieſties houſe, and ane vther to the Princes houſe, the Affembly nominat for his Maieſties and the Queines houſe Mrs Henrie Blyth, John Fairfull, Peter Hewat, and Andro Lamb ; for the Princes houſe, Mrs James Nicollſon, James Law, and Johne Spottifwood.

[The Affembly ratifies the acts made in the Affemblies of befor, anent the diſcharging of particular applicatiouns to be made in the exerciſes ; and of the forbidding of young men not admittit to the Miniſtrie to preach in the cheife places of the countrey ; and ordaines the ſame to be put in execution, under the paine of incurring the cenſures of the Kirk. C. & B.]

Sefſio 4<sup>a</sup> 15 Maij.

The Affembly adjoynes the Preſbitrie of Kirkudbright to the Miniſtrie of Nithſdaill, ay and quhill ther be ſick a number of kirks plantit within the ſaids bounds as may conſtitute a lafull Preſbytrie among themſelves.

The Affembly ordaines the Commiſſioners to recommend vnto his Ma-

justie the provisioun of competent livings to the saids kirks; and nominates Mrs. Johne M<sup>c</sup>Birney, George Greir, and William Airthur, to be plantit therat.

Anent the questioun referrit fra the Presbytrie of Couper to this present Affemblie, concerning the cause persewit be the said Presbytrie aganis Elizabeth Pitcairne, for satisfactioun of the adulterie committit be her, and provin against her, conforme to the decreit of the forsaid Presbytrie; quho being vrgeit to satisfie the Kirk therfor, producit ane decreit of adherence obtieinit against her husband befor the Commiffars of Edinburgh, ordaining her husband to adhere to her, and be consequence exonerin her of adulterie: The Affemblie ordaines the Presbytrie to put thair awin decreit to executioun, notwithstanding the decreit of adherence.

Anent the citatioun v<sup>s</sup>it be the Presbytrie of Couper aganis the auld Laird of Kynneir, to have ansuerit for the abusing of Mr Robert Inshaw, Minister of Kilmanie, in the solemnizing of the mariage of his dochter, and in antedating of ane testimoniall sent to Mr Henrie Balfour, Minister at Colleslie: The Affemblie, in respect of the Laird of Kynneirs absence, referis the tryall of the said matter to the Presbytrie of Couper.

#### Sessio vltima. 16 Maij.

It being meant be fundrie of the brethren, that there was fundrie errours that merited to be correctit in the vulgar translatioun of the Byble, and of the Psalmes in meeter; as also that ther are fundrie prayers in the Psalme Booke quhilk wald be altered, in respect they are not convenient for the tyme: In the quhilk heids the Affemblie hes concludit as followis:

First, Anent the translatioun of the Byble: That every ane of the brethren quho hes best knowledge in the languages, imploy thair travells in fundrie parts of the vulgar translatioun in the Byble, that neids to be mendit, and to conferre the same together at the Affemblie.

Anent the translatioun of the Psalmes in meeter; It is ordainit, that the same be revisit be Mr Robert Pont, Minister at Sanct Cuthberts Kirk, and his travells to be revisit at the nixt Affemblie.

It is not thocht good that the prayers alreadie contenit in the Psalme Booke be altered or delatit; bot if any brother wald have any vther prayers

eiked, quhilk are meit for the tyme, ordaines the same first to be tryed and allowed be the Affemblie.

The Generall Affemblie, for causes and confideratiouns moving them, hes ordainit Mrs James Balfour, Walter Balcanquell, and William Watfone, to be transportit out of thair awin places of thair Ministrie in Edinburgh, and plantit in such places as the Commiffioners deput be this present Affemblie think expedient: And lykewayes ordaines the said Commiffioners to plant such vthers of the Ministrie in thair places in the Kirk of Edinburgh, as salbe found expedient for the advancement of the glorie of God within the same.

The Commiffioners for the Towne of Edinburgh, viz. Johne Johnstoun and George Heriot, protestit in the name of the said Towne, that seeing the Generall Affemblie hes ordainit thair Ministers above namit to be transportit furth of Edinburgh, the said Towne sould be frie of thair burdein fra this tyme of thair present transportatioun; and that the said transportatioun sould not be prejudiciall to them in any tyme heirafter, bot that they might be reponit in thair awin places, quhen it sould please his Majestie and the Kirk to lyke weill therof: quhilk protestatioun his Majestie and the haill Affemblie willinglie aggregit vnto; quhervpon the said Commiffioners askit instruments.

The Affemblie hes ordainit, that, in every Affemblie to be conveynit in all tyme comeing, such as fall happin to be appointit Commiffioners from the Generall Affemblie to indure quhill the Affemblie mixt therafter, fall give ane accompt of thair proceidings dureing the haill tyme of thair commissioun, in the beginning of the Affemblie, befor any vther cause [or matter] be handlit; and thair proceidings to be allowit or diffallowit as the Affemblie fall think expedient.

The Generall Affemblie having rypelie weyit the necessitie of the appointing Commiffioners fra this present Affemblie, not only to advyse and awaite vpon such affairs as salbe for the weill and vtilitie of the Kirk of God, bot also for giving advyse to his Majestie anent the halding furth of the enemies of the samein, quhen they salbe requyrit be his Hienes therto: Therfor, the brethren conveynit in this Affemblie hes givin and grantit, lykeas, be the tenour heirop, gives and grants thair power and commissioun to thir brether, viz. Mrs Alexander Dowglas, Johne Strauchane, Peter Blackburne, George Monro, James Nicolfone, Andro Leitch, Alexander

Forbes, Patrick Simfone, William Couper, Alexander Lindsay, George Glaidftanes, William Scott, Johne Caldcleugh, Robert Wilkie, David Lindsay, Robert Pont, Johne Spottiswood, Johne Hall, James Law, Johne Knox, Johne Abernethie, Johne Hay, Gawin Hamiltoun, Alexander Scrymgeour, David Barklay, and the Kings Majesties Miniſters, or any nyne of them ; giveand, grantand, and committand vnto them thair full power to plant ſuch kirks in Burrow Townes as are deſtitute [of Paſtours] in generall, and ſpeciallie to plant the Kirk of Edinburgh, quhich is vacand be transportation of the Miniſters therof ; with power alſo to plant Mrs James Balfour, Walter Balcanquell, and William Watſone, Miniſters tranſportit out of Edinburgh, with his Majesties advyce, in ſuch convenient places as they ſould find expedient for the glorie of God ; with power alſo to tranſport any of the Miniſtrie within the realme from thair awin places quher they preſentlie ſerve, and to plant them in the ſaid vacand places of the Kirk of Edinburgh ; in the planting quherof they ſhall take the advyce of the Preſbytrie of Edinburgh, according to the acts and ſtatutes of the Generall Affembly made of befor :

Attour, If it ſhall happin the Kings Maſteſtie to be greivit at any of the Miniſtrie for quhatſoevir enormitie committit be any of them aganis his Maſteſtie, with power to them, or any nyne of them, as ſaid is, to try and cognoſce thervpon, and to take ſuch ordour theranent as they ſhall find moſt meit to the glorie of God and weill of his Kirk :

And, finallie, with power to them to preſent the greives and petitionis of this preſent Affembly to his Maſteſtie and Secreit Counſell, and generall Conventioun of the Eſtates and Parliaments, if any ſhall happin to be ; and to crave redreſſe of the ſamein : Promitten de rato.

The Affembly ordaines Mrs James Nicollſone, James Robertſone, Alexander Lindsay, and William Couper, to take tryall anent the vnioun of the kirk of Forgundie to the paroch of Arngolk ; and if they find the ſamein to have bein done of auld, and [to be] commodious for the peiple, to ratifie the ſame.

Forſameikle as, in the Generall Affemblies haldin of before, it hes bein verie wiſelie conſiderit, that ther hes bein nothing more profitable for advancing of the glorie of God by the preaching of the Goſpell, then appointing of Commiſſioners for every ſchyre within this realme, whoſe care and diligence ſould be partly to try the life, doctrine, and manner of converſatioun of the Miniſtrie in the bounds committit to thair viſitatioun ; and partly to

plant the kirks quhilk as get ly deftitute of the comfort of the Word, be dealing with such as hes the Kirk livings in thair hands, for ane reasonable moyen to sustaine a Minister at every kirk within this realme : quhilk loveable custome this present Assemblie being myndfull to profecute, therfor hes givin and grantit, lyk as, be the tenour heiroyf, gives and grants thair full power and commissioun to thir brethren, [to visit the bounds particularly after specified,] viz. to Mrs Robert Pont and Robert Durie for Orkney and Zetland ; to Mr George Glaidstanes for Cathnes and Sutherland ; to Mrs Alexander Dowglas and Alexander Rawfone for Ross ; to Mrs George Hay and Andro Crumbie for Murray ; to Mr George Glaidstanes for Aberdeen ; for Angus and Merns, Mrs Robert Wilkie and James Nicolfone ; for Perth and Stratherne, Mrs Thomas Dowglas and Johne Fairfull ; for Fyfe, Mrs James Nicolfone and Robert Howie ; for Louthian, Mrs Patrick Simfone and Harie Livingstoun ; for Mers and Teviotdaile, Mrs James Gibfone and Adame Colt ; for Cliddisdail, Mrs David Lindsay and Johne Spottiswood ; for Irwing and Air, Mrs Gawin Hamiltoun and Andro Knox ; for Annandail, Mrs Johne Knox, Patrick Shaw ; for Nithefdaile and Galloway, Mrs David Barclay, Alexander Scrymgeour, and Nathaniel Inglis : with power to them to try the brethren of the Ministrie within the bounds particularlie above designit, in thair lyfe, doctrine, qualificatioun, and conversatioun ; and how they have behaved themselves twiching the rents of thair benefices, whither they have sett tacks of the same, but consent of the Generall Assemblie, or not, and so dilapidat the same ; to depose such as deserves depositioun ; to plant Ministers in such places as hes not bein plantit heirtofore : and to that effect to deale with the taksmen of every paroch kirk for provisioun of ane Minister to thair kirks ; and to report to the next Generall Assemblie ane answer of the taksmen in write, containing the planting of the kirks quherof they possesse the teinds ; and to report thair diligence to the next Assemblie ; Prommitten de rato.

The next Assemblie is appointed to be haldin at Sanct Androes, the last Tuesday of Julij, the geir of God 1602 zeirs.

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[The General Assembly appointed to be haldin at Sanct Androes the last Tuesday of July, was prorogued be the King to the tenth of November by proclamations at the Mercat Crosses. C.]

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A.D.MDCII.

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THE Generall Assemblie of the Commiſſioners from the Presbitries of the Kirk of Scotland, haldin at Halierudehous the 10 of November 1602: In the quhilk, the Kings Majestie being personallie present, were conveyit the Commiſſioners following.

COMMISSIONERS WITH THE KING.

The Secreitar.  
Thesaurer.  
Collectour.

Comptroller.  
Sir Patrick Murray.

For the Ministrie.

ORKNAY.

Mr Robert Pont.

CATHNES.

Mr George Glaidftanes.

ROSE, MURRAY.

Mr Alexander Rawfone.

## ABERDEIN.

Mr Peter Blackburne.	Mr Johne Rofs.
Mr Archibald Blackburne.	Mr James Milne.
Mr David Rait.	Mr Abraham Sibbald.
Mr Richart Rofs.	Mr Alexander Hay.
Mr John Strauchane.	

## MERNES.

Mr John Erfkine.	Mr James Sibbald.
Mr Alexander Forbes.	

## BRECHINE.

Mr Andro Leitch.	Mr Jofua Durie.
Mr Johne Merschell.	

## ABERBROTHOCK.

Mr Patrick Lindfay.	Mr Henrie Philip.
Mr Arthur Foothie.	

## DUNDIE.

Mr Robert Howie.	Mr Andro Clayhills.
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## MEGLE.

Mr James Anderfoun.	Mr David Browne.
Mr Johne Barclay.	

## PERTH.

Mr James Rofs.	Mr Alexander Hoome.
Mr Archibald Moncreiff.	Mr Johne Edmestoun.
Mr William Row.	Mr William Glaffe.
Mr Adame Ballandyne.	Mr Silvester Rattray.



## SANCT ANDROES.

Mr James Melvill.  
Mr John Carmichell.

Mr Robert Durie.

## VNIVERSITIE THEROF.

Mr James Mertin.

## COUPER.

Mr Thomas Douglas.  
Mr Robert Buchannan.

Mr William Cranftoun.

## KIRKADIE.

Mr William Scott.  
Mr Johne Michelfone.

Mr David Spens.

## DUMFERMLING.

Mr Johne Fairfull.  
Mr Johne Cauden.

Mr Edmond Myles.

## EDINBURGH.

Mr James Balfour.  
Mr Walter Balcanquell.

Mr William Aird.

## LITHGOW.

Mr Thomas Peebles.  
Mr Robert Cornwell.

Mr George Inglis.

## DALKEITH.

Mr George Ramfay.  
Mr Archibald Simfone.

Mr Adam Colt (Scot ?)

## HADDINGTON, DUMBAR.

Mr Edwart Hepburne.

Mr Richard Ogill.

## PEBLES.

Mr Johne Ker.

## MERS.

Mr Johne Clappertoun.

Mr William Clerk.

Mr Tobias Ramfay.

Mr Jobne Knox.

Mr William Methven.

Mr James Dais.

Mr Alexander Gaites.

Mr Johne Smith.

Mr Johne Abernethie.

## GLASGOW.

Mr Andro Boyd.

Mr Williame Levingftoun.

## VNIVERSITIE THEREOF.

Mr Patrick Sharp.

## PAISLAY.

Mr Johne Hay.

## DUMBARTAN.

Mr William Simfone.

## HAMILTOUN.

Mr Johne Howifone.

Mr Patrick Walkinschaw.

## LANERICK.

Mr William Birnie.

Mr Robert Bannatyne.

## AIR.

Mr George Dumbar.  
Mr Nathan Inglis.

Mr Johne Welfsch.

## IRWING.

Mr Hew Fullertoun.

## DRUMFRIES.

Mr Robert Hunter.  
Mr Johne Browne.

Mr Richard Browne.

## KIRKKUDBRYT.

Mr William Hamiltoun.

## WIGTOUN.

Mr Robert Wallace.

Mr Mathew Reid.

## BURROWIS.

## EDINBURGH.

Mr Johne Robertfone.

Mr George Heriot.

## DUNDIE.

Mr William Fergufone.

## SANCT ANDROES.

Mr William Ruffell.

## LEITH.

Mr Jerome Lindfay.

Mr David Orok.

## BRUNTILAND.

Patrick Greiff.

## COMMISSIONERS OF THE GENERALL ASSEMBLIE.

Mr Alexander Dowglas.

Mr George Monro.

Mr James Nicolfone.

Mr Patrick Simfone.

Mr William Couper.

Mr Alexander Lindfay.

Mr Johne Spotifwood.

Mr Johne Calcleugh.

Mr Robert Wilkie.

Mr David Lindfay.

Mr Johne Hall.

Mr James Law.

Mr Gawin Hamiltoun.

Mr Alexander Scrymgeour.

Mr David Barklay.

## Acta Sessione prima.

Exhortatioun being made be Mr Johne Hall, Moderatour of the last Assemblie, the Assemblie, after the accustomit manner, proceidit to the electioun of the Moderatour of this prefent Assemblie; and, after nominatioun of the brethren following, viz. Mrs Patrick Sharp, Patrick Galloway, James Balfour, and Johne Carmichaell, out of the quhilk number the Moderatour sould be chosin; be pluralitie of votis the said Mr Patrick Galloway was chosen Moderatour hac vice.

The heures appointit to conventioun, to be nyne heures of the morning for the privie conference; and eleivin heures for conveyeing of the Assemblie, and to fitt quhill four heures afternoone.

The Affeffours appointit to conveye with the Moderatour in the privie

conference, for treating of such things as are to be concludit in the Affem-  
blie, are Mrs Johne Hall, Robert Pont, George Gladstones, David Lind-  
fay, Alexander [Rawfone,] Peter Blackburne, Johne Strauchan, David  
Rait, Alexander Forbes, James Nicolfone, Robert Howie, James Melvill,  
Robert Wilkie, Johne Carmichael, Alexander Lindsay, William Glasfe,  
Patrick Sharp, James Balfour, Walter Balcanquell, James Law, Johne  
Spottiswood, Johne Clappertoun, John Knox, David Barklay, William  
Hamiltoun, Nathaniel Inglis, Johne Hay, Andro Lamb.

Sessio 2<sup>a</sup> Eodem die.

The said day, being callit Mr George Glaidstones, Minister of Sanct  
Androes, quho was direct be the last Affemblie to have remained for ane  
quarter or halfe ane geir with the Marqueis of Huntlie, to the effect that,  
be his travells and labours, the said Noble Lord and his familie might be  
informit in the Word of Trueth presentlie profest within this realme, and  
the enemies therof debarrit from his companie, to give ane accompt of his  
diligence, in the said commissioun, the said Mr George comeirand, declarit,  
that, at the tyme of his journeying northward for vilitatioun of the Presby-  
tries of Cathnes and Sudderland, he addrest himselfe to the Marqueis of  
Huntlie, and remained with him the space of thrie dayes, duering the quhilk  
tyme he conferrit with him anent the contravertit heids of religioun, and  
defyrit of his Lordship that he wald shew him quherin he doubtit, that to  
the effect be his conference he might be resolvit of such heids quherof he  
was not as yet fullie satisfied, quhilk his Lordship promised to doe at his  
back coming : and lykeways having demanded, why his Lordships kirks  
were not plantit, and why he resortit not to the preaching at the ordinar  
tymes in paroch kirks ?

To the first he ansuerit, That the non planting of his kirks proceids vpon  
the not giving licence to the Persons of the saids kirks to renew his taks,  
conforme to the promise made to his Lordship be the Commissioners of the  
Affemblie, at the tyme that his Lordship grantit to the augmentatioun of  
the rents of the said kirks.

As to the second, He could not weill resort to the paroch kirks, partlie,  
in respect of the meane rank of such as were within the paroch, and partlie,  
in respect his Lordships predeceffours were in vse to have a chappell in

thair awin house, quhilk he was myndit to profecute now, seeing he was presentlie repairing [to] his house of Strathbogie.

The said Mr George being demandit, why he made no longer residence with his Lordship, conforme to his commissioun, answerit, that he could not, because the Marqueis of Huntlie was vpon his voyage southward, at his Majesties directioun, for reconciliatioun of the feid betuixt him and the Erle of Murray; quhilk feid was the cause that his Lordship could not communicat.

Being callit lykewayes Mr Alexander Lindsay and William Couper, Commissioners appointit be the last Assemblie to awaite vpon the Erle of Erroll for the effect forsaide, compeirand Mr Alexander Lindsay, declairit, that he had awaitit vpon the said Noble Lord dureing his remaining in the Carse of Gowrie, and that he fand him a diligent heirer of the Word: and having requyrit of him, if he doubted of any thing, his Lordship answerit, That, at the tyme of his reconciliatioun, he did the samein vnfainedly, and had castin all scruples away. As concerning the planting of his kirks, that he had provydit the samein of his awin benevolence; and that he wald communicat at sick tyme as the sacrament sould be ministrat at any of his awin kirks, quherat his residence sould be for the tyme.

Being callit Mr Johne Spottiswood and James Law, Commissioners appointit to awayt vpon the Erle of Angus, Mr Johne Spottiswood excusit himselfe, because he was directit be his Majestie to awaite vpon the Duke of Lennox in his ambassadrie to France; in respect quherof, Mr James Law, being appointit Commissioner conjunctlie with the said Mr Johne, could doe nothing him alone: but because it was reportit be the haill brethren of these parts quher the said Erle does haunt, that he did neither resort to the heiring of the Word, nor participatioun of the sacraments, bot, be the contrair, maintaint profest enemies to the religioun in his companie, sick as ane Mr Charles Browne; therfor, to advise in the conference for remeid therof.

Being callit Mr John Carmichaell, Commissioner appointit to awaite vpon my Lord Hooime, declarit, that he execute no part of his commissioun, be reason of the said Lords abience forth of the countrey.

The lyke excuse was vit be Mrs David Lindsay and Johne Hall, quho were appointit to await on my Lord Herreis, in cace that he repairit to Edinburgh, declairing, that the said Lord remainit but a verie short space in the said towne.

Anent the Commissioners appointit be the last Assemblie to awaite vpon the constant platt: My Lord Collectour being present, declarit, that the stay of that worke proceedit vpon the default of the Presbyteries, quho, for the most part, had nevir returnit ane ansuer of his Majesties letters direct be his Commissioners of the constant platt, without the quhilk they could not proceed: and, therfor, the Assemblie ordaines sick as had not reportit thair ansuers, to produce them the morne.

Anent the Commissioners appointit for visitatioun of Presbyteries: The Assemblie ordaines them to give in thair diligence in wryte the morne, that the samein may be tryit and considerit be the Assemblie. And because ther hes bein slack, or no executioun of sick Commissiouns in tyme bygane, be reason of carelesnes of sick as were appointit to accept the same: Therfor, it is ordainit, that, in tyme comeing, sick as salbe appointit Commissioners, fall accept the commissiouns on them, and promise be thair aithes, in face of the Assemblie, to doe thair honest and faithfull diligence in the executioun therof; and to report the samein to the nixt Assemblie in wryte, vnder the paines conteinit in the acts of the Generall Assemblie.

Being callit the Commissioners of the Generall Assemblie to give ane account of thair proceedings sen the last Assemblie, they were ordainit to give in thair diligence in wryt the morne.

The quibilks things being considerit be the hail Assemblie, it was thocht most expedient, that certaine qualified persons be chosin out of the Ministrie, for planting of such parts of the countrey as are destitute of the Word of God; and speciallie, that qualified men be chosin out to be appointit Ministers to the particular families of the said Noblemen: and lykewayes that the cationers of these quho were suspect of religioun, and were ordainit be his Majestie to passe off the countrey, be straitit conforme to thair band, and speciallie for Patrick Butter, Patrick Mortimer, and vthers, and themselves [to] be lykewayes chargit for breaking of the said band.

Seffio 3<sup>a</sup> 11 Novembris.

Anent the fummounds raisit at the instance of the Provinciall of Lowthiane and Tweddall, aganis Dame Helenour Hay, Countes of Lithgow, makand mentioun, That in the proceffe of excommunicatioun led and deduceit against her, be the Presbytrie of Lynlithgow, sho made appellatioun

from the said Presbytrie to this present Assemblie, and therfor ordaining her to be summondit to [compeir befor] this Assemblie, the thrid day therof, to prosecute her appellatioun, with certificatioun, and she failgiet, the Assemblie wald allow of the proces led and deduceit aganis her be the said Presbitrie, as at mair lenth is conteinit in the saids summonds, of the dait, at Edinburgh, the 3 of November 1602: The same being callit, the Assemblie continues the same in the selfe same force and effect to the morne.

The brethren appointit for visitatioun of the Presbitries in the last Assemblie, quho were ordainit this day to produce thair diligence in wryte, being callit, compeirit Mrs David Lindsay and Johne Spottiswood, Commissioners for Cliddisdail; Mr Andro Knox, Commissioner for Air; Mrs James Nicolfone and Robert Howie, Commissioners for Fyfe; Mr Robert Durie, Commissioner for Orkney; and Mr George Glaidstanes, Commissioner for Cathnes; and produceit thair diligence in wryte. The rest of the saids Commissioners either were not present, or had done no diligence. Qubilks diligences productit, the Assemblie ordainit to be visited be the brethren, Mrs Johne Hall, Walter Balcanquell, Patrick Walkinschaw, Archibald Moncrieff, and James Anderson, and thereafter to report what they have found in it to the haill Assemblie.

The said day, the Commissioners quho were appointit in the last Assemblie, for planting of burrowes tounes vacand, and awaiteand vpon his Majestie, quho were ordainit this day to produce thair diligence [and proceedings in wryte,] to the effect they might be tryit be the brethren, and either allowit or disallowit, [conforme] as they deservd, being callit, they compeirit; and, in name of the rest, Mr James Nicolfone, Minister at Migle, produceit thair haill proceedings in wryte; quhilk being [openly] read in presence of the haill Assemblie, and the brethren being demandit be the Moderator, if they had any thing to say aganist the samein, or aganist them in any vther heid quhatsumevir: Efter the particular votes of every ane of the Commissioners was speirit, the Assemblie allowit of the said proceedings, and thankit God for the same.

The quhilk day, the brethren conveyit in this present Assemblie having considerit, that nothing is more necessar for the advancement of Gods glorie and his true religioun within this realme, then that the cheife rowmes and places within the countrey, such as are noblemens houses and families, be plantit with learnit and discreit Pastours, able not only to instruct and confirm the said noblemen, thair wyves, children, and families, in the true



feare of God, and heids of sincere religioun profest presentlie within this realme, bot also quho may, be thair provident care and diligence, procure that the families of such noblemen be not corruptit with the companie and hanting of profest Papists, Jesuites, [and vther] Seminarie Priests, quho goes about daylie to smore and put out the spunks of true religioun and knowledge of God kindlit in the saids noblemens hearts; and because presentlie such men cannot be found to vndertake the charge of the saids noblemens houses, as said is: Therfor, the Assemblie hes thoct good, that, for a tyme, brethren meitest for the purpose sould be borrowit from thair awin places, to remaine for the space of a quarter of ane zeir continuallie with the saids noblemen, be whose labours in the meane tyme, quhill ane constant and permanent provisioun may be found out for the planting of these rowmes, the saids noblemen and thair families may be confirmit in the trueth, and the enemies therof debarrit from thair companies; and therafter to return to thair awin charges; and in the meane tyme, that the Presbitries take ordour that thair places be furnischt dureing thair absence: And, therfor, they have electit and nominat the brethren following to awaite vpon the saids noblemen dureing the space forsaide, viz. Mr William Scott, Minister at Kennoquhy, to remaine with the Marqueis of Huntlie; for the Erle of Erroll, Mr Alexander Lindsay; for the Erle of Angus, Mr James Law; for the Lord Hoome, Mr John Carmichaell; for the Lord Maxwell, so long as he remaines in the Castle of Edinburgh, Mr Henrie Blyth; for the Lord Hereis, Mr Robert Wallace; for the Lord Semple, the Presbitrie of Irwing, so long as he remaines within the same; and in case he remaine within the Presbitrie of Paislay, the said Presbitrie to awaite vpon him; and lykewayes for the Erle of Sutherland, the Presbitrie of Edinburgh, in case he make his residence within the same: And in case any of the noblemen make their residence any tyme in Edinburgh, or within the Presbitrie therof, the Assemblie ordaines the Presbitrie of Edinburgh to direct twa brethren of thair number, with the lyke power as the brethren above specifit, to awaite vpon every ane of the saids noblemen that salbe found resident within thair Presbitrie: quhilks brethren forsaide, and every ane of them, sall receive the articles in wryte fra this Assemblie, quherin they sall travell with the saids Noblemen. Quhilks articles the Assemblie ordaines to be pennit be Mrs James Melvill, James Nicolsone, Johne Carmichaell, Patrick Galloway, William Scott, and Alexander Lind-

say, to be givin in the morne to the Assemblie, that the brethren may consider the samein. The tenour quherof followis.

Instructions for the brethren appointit be the Generall Assemblie to attend vpon the Marqueis of Huntlie, the Erles of Angus and Erroll, the Lords Hoome, Herreis, and Maxwell.

First, Ze fall addresse yourselfes with all convenient diligence and necessar furniture to entir in thair companie and families, ther to remaine still with them for the space of thrie monethis continuall; dureing the quhilk tyme your principall care salbe, by publick doctrine, by reiding and interpretatioun of the Scriptures ordinarlie at thair tables, and by conference at all meitt occasiouns, to instruct themselves in the haill grounds of true religioun and godlinefs, speciallie in the heids controvertit, and confirme them therin.

2. Take paines to catechise thair families ordinarlie every day, once or twyse at the leift, or so oft as may serve to bring them to some reasonable measure of knowledge and feiling of religioun, befor the expyryng of the tyme prescryvit for your remaining ther; and let this actioun begin and end with prayer.

3. Prease to have thair houses purgit of all persons living inordinately, whose evill example might be a slander to thair professioun, speciallie such as are of suspect religioun, and found any wayes buffie in traffiqueing aganis the trueth, and quyetnes of the estate of the countrey; and be carefull to have all sick persons furth of thair houses and companie.

4. Travell to have thair kirks plantit with sufficient provisioun of stipends, and weill qualified persons; and procure, that, be thair authoritie and assistance, the discipline of the Kirk may have executioun within thair bounds.

5. Perswade them to make honest provisioun of stipends for the intertainment of resident Pastours at thair houses and cheise dwelling places; and to make choise of learnit, grave, and wyfe Pastours, to be plantit therat.

6. Urge performance of the articles agreeit vpon and subscrivit at the tyme of thair reconciliatioun, and registrat in the bookes of the Assemblie, quheroutof ze fall extract them.

7. Informe the Kings Majestie fra tyme to tyme, how they have profited,

and quhat companie resorts to them, and quhat dispositiouns thair companies are of.

Qubilks articles being red in audience of the Affemblie, the brethren approvit the samein, and ordainit them to be insert, with the commissioun given to the Ministers appointit to remaine with the saids Lords, in the bookes of the Affemblie.

The brethren appointit to visite the diligence of the visitours appointit in the last Affemblie, finds fault, that in all thair diligences produceit, except of Caithnes and Fyfe, the visitors hes not exactlie tryed the lyfe, doctrine, and conversatioun of every Minister at his awin kirk and be his awin flock, but nakedlie and slanderlie be a generall view at the Synodall Affemblies; quhilk the Affemblie finds fault with, and ordaines to be amendit in tyme comeing.

The quhilk day, the brethren conveyit in this Affemblie, having rypelie weyit how necessar it is, that ane general visitatioun be for inquiring in the lyfe, doctrine, qualificatioun, and conversatioun of every ane of the Ministrie in particular; the quhilk albeit it was committit to the charge of the visitours appointit be the last Affemblie, nevirtheles they, or at the least the most of them, hes done small or no diligence in the executioun of that profitable worke committit to thair charge, excusit partlie be infirmitie and feiknes, and partlie be vther necessar affaires, quherin they were imployit, as they alledgit: Therfor, the Affemblie, not willing that such a necessar and profitable worke sould want the awin good execution [and success,] hes nominat, and be thir presents nominats thir brethren following, thair verie lauffull Commissioners for visitatioun of the bounds vnderwrytin, every ane of them for thair awin parts, as they are particularlie designit; viz. for Orknay, Mr Robert Pont; for Cathnes and Sudderland, Mr George Glaidstanes, Mr Alexander Rawfone; for Rofs, Mr David Lindfay; for Murray, Mrs Peter Blackburne, Abraham Sibbald; for Aberdeen, Mrs William Scott and Alexander Lindfay; for Angus and Mernes, Mrs Robert Wilkie and James Melvill; for Perth and Striveling, Mrs James Martin and Johne Caldcleugh; for Fyfe, Mrs James Nicolfone and Robert Howie; for Lauthiane, Mrs Patrick Sharp, Johne Couper; for Mers and Teviotdaill, Mrs Johne Carmichaell and James Law; for Cliddisdaill, Mrs Johne Spottiswood, William Airthur; for Irwing and Air, Mrs Andro Boyd, Johne Hay; for Nithefsdaill and Annandaill, Mrs Johne Knox, Patrick Shaw, and Johne Smith; for Galloway, Mrs Johne Welsh, Hew

Fullertoun; for Argyle, Mrs Andro Knox, Andro Lamb: Giveand, grantand, and committand to every ane of them conjunctlie, and in cace of seiknefs of any ane of them, with power to the vther, &c. to try the brethren of the Ministrie within the bounds particularlie above committit to every ane of thair charges respectivé, in thair life, doctrine, qualificatioun, and converfatioun, and how they behave themselves tuiching the rents of thair benefices, whither they have sett takis of the samein but consent of the Generall Assemblie, or not; and so incurrit the censure of dilapidatioun; with power also to try the Presbitries within the saids bounds, if they have keipit thair ordinar conventiouns, and particular visitatiouns of thair awin kirks, and visit and exercisedit all such things as belongs to the Presbitrie: with power also to them to try every particular congregatioun within the bounds committit to thair visitatioun; and generallie, to try every ane of the Ministrie, Presbitries, and Congregatiouns, conforme to the particular ordour of visitatioun sett downe in this Assemblie. And in cace any fault or enormitie be found be them in any of the saids visitatiouns committit to them, with power to censure the samein according to the act of the Generall Assemblie; and as they proceed in thair said visitatioun, that they report thair haill proceffe and diligence to the next Generall Assemblie: Promitten de rato, &c.

Sessio 4<sup>a</sup> 12 Novembris.

The said day it being considerit be the Assemblie, that for inlake of ane constant and vniforme ordour of visitatioun of Synods, Presbitries, and particular kirks, the labours and travells takin hitherto hes bein almost vnprofitable and ineffectual: Therfor, that ane solid ordour may be takin and generallie observit in visitatiouns in all tymes comeing throughout the haill kirks within this realme, the Assemblie ordaines the brethren following, viz. Mrs Robert Pont, Patrick Galloway, James Carmichaell, William Scott, Alexander Lindsay, to advyse anent the subiect of visitatiouns, and the forme and ordour of proceffe that shalbe visit in the same in all tyme coming, and to produce the samein in wryte to the Assemblie the morne.

The quhilk day the brethren haveand considerit the great travells and paines takin be thair brother, Mr Johne Howefone, Minister at Cambuslang, in ansuering to Bellarmine in thrie fundrie volumes, and how profitable

the same wilbe to the Kirk of God, quhilk he presentit to the Assemblie, desyreing the same to be revisit be them, to the effect, if they be found worthie, they may be put foorth in print; they appointit the said worke, first, to be revisit be Mrs Robert Howie, James Nicollone, and James Robertstone; therafter, be Mr Andro Melvill; and last, be Mrs Robert Pont and Johne Hall; and to report to the nixt Assemblie: quhilk bookes are presentlie delyverit to Mr Robert Howie.

Anent the constant platt: The brethren appointit to sitt thervpon with his Majesties Commissioners being demandit, quhat effect thair travells had takin in the same, they producit the conclusioun of the Commissioners of the said platt, resolving in 3 heids, out of the quhilk ane fould be chosen, as the most ready way for effectuating the said work; quherof the tenour followis.

Overtures of the Commissioners of the Plat to be advisit with his Majestie.

If everie Ministers stipends being assignit out of the fruites of the Kirk quher he serves be the benevolence of the takemen, that they fall grant to the augmentatioun of the said stipend.

If ther salbe ane perpetuall securitie made to the said taxmen of thair teinds, vpon a speciall greffome to be condiscendit vpon for ilk chalder, for the space of xix geirs; and to be renewit geirlie therafter, for the said space, for the lyke greffome, upon this conditioun, that the said principal tacksmen fall grant and renew the lyke securitie to thair subtaksmen, for payment of thair part of the said greffome pro rato, quher any subtaks are.

Or if the great benefices salbe provydit to Ministers vpon this conditioun, that all the kirks of the Prelacies be plantit with sufficient Pastours, and be provydit with competent livings, as the modifiers of the constant platt fall think expedient, and he to pay the Kings Majestie geirlie the tent part of the fruites of the saids benefices, quhilk fall rest by and attour the sustentatioun of the saids Ministers; and that all the inferiour benefices salbe provydit to Ministers serving the cure of the saids kirks, as weill Personages as Viccarrages.

Or if all the great benefices salbe dissolved, and the Prelat to have the principall kirk of the Prelacie with the temporal lands therof; and the rest of the kirks to be provydit with qualified Ministers; and the said Prelate

and titulars of the saids kirks to pay ane geirlie duetie to his Majestie, as the benefice may beare at the sight of the Commissioners forsaids.

Quhilk overtures beeand red in the sight of the Assemblie, it was ordainit, that every Synod shuld have a copie of them, to be advyfit therewith vntill the morne, that they might give thair advice to his Majestie, quhilk of the thrie were most meitt to be imbraceit.

Anent the referris and petitionis of the Synod of Fyfe givin in to this present Assemblie, to be advyfed vpon be the samein : The brethren nominats Mrs James Melvill, Johne Carmichaell, Robert Durie, William Scott, Johne Cowden, Johne Fairfull, James Nicolfone, Andro Lamb, Robert Howie, Patrick Sharp, George Gladstones, and Johne Spottiswood, to conveyne the morne at aucht houres, and advyse vpon ansuers for satisfioun of the said petitionis, and to report the samen to the Assemblie.

#### The Articles of the Synod of Fyffe.

1. It wald be meinit be the Generall Assemblie, that the Generall Assemblies are not ordinarlie keipit, notwithstanding of the acts of Parliament and Generall Assemblie, and necessitie of the tyme ; bot the dyetts therof altered without the knowledge of the Presbitries and Synods.

2. That Ministers are callit befor his Hienes Secreit Counsell, in prima instantia, for doctrine and discipline ; quhilk is a great encouragement to the enemies.

3. That all applicatiouns in Exercises of Presbitries is found fault with, vnder pretence of the act of the Generall Assemblie ; the quhilk act therfor wald be fightit and cleirly interpretit.

4. That the government of the cheife matters of the Kirk continues in the hands of a few number, vnder the name of a Commissioun, to the prejudice of the liberties of the Synods and Presbitries.

5. That the Doctours bearing ordinar calling in the Kirk, be the discipline and custome therof, are debarrit from the Assemblies.

6. That the Assemblie hes takin no tryall hithertill, anent the cautious sett downe for avoiding of corruptioun in the Commissioners, [voters] in the Parliament.

7. That the absence of the Pastours of Edinburgh, [and the] alteratioun of the Ministrie therof, quhilk was the cheife watch tower of our Kirk, hurts greatlie the cause of religioun, and encourages the enemies.

8. That ther is diftraçtioun of opiniouns different from that confent of hearts, quhilk hes bein in the Kirk befor, in weghtie caufes ; and over little confideratioun, deliberatioun, and reasoning had, quherby conclufions paffe, almoft the halfe of the brethren gainfaying.

9. That the land is defylit, and the Kirk endamnagit, by the French Ambaffadours mefs.

10. Excommunicat perfons for Papiftrie fufferit to haunt the countrey publickly and peaceably.

11. That the noblemen latelie relaxit fra excommunicatioun for Papiftrie, gives no token of the profeffioun of the trueth, but rather the contrair.

12. That apprehendit Papifts directiouns and letters are keipit clofe ; and the danger imminent therby to the Kirk not communicat to the watchmen, quherby they may make faithfull warning, and prevent the perrill.

13. That the difcipline of the Kirk againft murther, inceft, and adulterie, is not practifed, [nor execute] with that holie feueritie that becomes ; notwithstanding of the frequent remiffions obtenit be criminall perfons, for efchewing of civill punifhment.

14. That the remedies fett downe aganis apprehendit dangers, at diverfe tymes, and at diverfe meitings of the Kirk, are not followed foorth.

Anent the aët made of befor aganis fick perfons as abftaines from the holie communioun, either for Papiftrie, or for the colour of deadlie feids : The Affembly ordaines, that every ane of the Miniftrie keip this ordour following [within his kirk,] to wit, That he warne fick perfons, be the fpace of moneths befor the communioun, to compeir be themselves for the famein ; quhilk beand done, and they diffobey, that every Minifter incontinent therafter fend the names of the diffobeyars fubfcrivit with his hand to ane of his Majefties Minifters, quha fall intimat the famein to his Majeftie and his Hienes Thefaurer, to the effect that his Hienes Thefaurer may put the aëts made aganis non communicants to executioun aganis them ; and that everie Presbitrie command the Minifters within thair Presbitrie to be diligent in the execution of this aët.

Because it was meinit be the brethren, that the fupplicatioun made in the laft Affembly to his Majeftie anent the restraining of the libertie of noblemen and gentlemens fonnes, that paffes foorth of the countrey to fuch places quher ther is reftraint of the true religioun, Therfor his Majeftie declairit, in prefence of the hail Affembly, that he wald give a command to the Secrei-

tar, that he should subscribe no warrant for passing of noblemen or gentlemen sonnes forth of the countrey, except they first find cautious conforme to the tenour of the act made in the last Assemblée, anent passing of gentlemen sonnes forth of the countrey.

The said day, the Kings Majestie having declairit that it was requisite that his Hienes had another Minister adjoynit to his house, to the effect the Prince might be brought vp in the true religioun, Therfor the Assemblée transports Mr James Nicolson from the kirk of Megle, and appoints him to be Minister at the Kings house, to the effect forlaid; and ordaines him to enter in the said function betuixt and the 15 day of Februar next to come, vnder the paine of deprivation, provyding he be first sufficientlie provydit be the Kings Majestie: And lykewayes ordaines Mr Andro Lamb to enter in his cure [in his Majesties house,] betuixt and the first of Januar next to come, vnder the said paine.

Anent the planting of the kirks of Edinburgh: Johne Robertson and George Herriot, Commissioners for the said towne, being callit, declairit that for the present they had bot thrie kirks, quhilks alreadie were plantit with sixe Ministers; and quhen as thair fourth kirk, quhilk is presentlie bigging, is compleit, they wald crave supplement of vther twa Ministers.

Sessio 5<sup>a</sup> 13 Novembris.

The brethren appointit for penning the forme and subject of visitation of kirks, gave in thair advyce as followes:

The visitours shall appoint twa or thrie dayes for the tryall of every Presbitrie within the bounds of thair visitation; and be the space of a moneth, or twentie dayes at the least, befor thair edicts, they shall make the Presbitrie acquaint therwith, and send them the edict following, to be publishit at every paroch kirk be some vther rather than the Minister, that it may be dewlie execute, reportit, and indorsit to the visitours, at the first dyett of [thair] meiting.

[This Edict was never formed. C.]

Let the Edicts be so directit be the Presbitries, that ane equall number



[fall to] be tryit in every ane of the dayes appointit for tryall of ilk Presbitrie ; and the Commissioners of congregatiouns to be chargit to thair awin dyetts accordingle.

Try the estate, first, of every Minister particularlie ; therafter the estate of the congregatiouns and countrey ; and last the estate of the Presbitrie in generall.

### The particular tryall of Pastours.

Try ilk Pastour severallie, in his graces, and habilitie to discharge his calling ; in his furniture of bookes and necessar helps that may inable him in his calling ; with quhat fidelitie and prudence he discharges himselfe in doctrine and discipline, in his lyfe, and the estate of his living.

For this effect, inquire first of the Commissioners of his congregatioun, quhat testimonie he hes of his awin Sessioun and remanent of his flock ; and in speciall if he be resident in his parochin vpon his mans and gleib ; if his awin lyfe and the government of his familie, be such as breids no offence, bot edifies his flock ; if he teaches every Sabboth once or twyse, and if he teaches any vther dayes in the week ; if he ministers the communioun geirle with due examinatiouns preceeding ; if he hes ane establischt Sessioun of Elders and Deacons ; if he keips a weiklie conventioun with his Sessioun for the exercise of discipline ; if he catechises weiklie a part of his parochin ; if he keips ane ordinar visitatioun of some families of his congregatioun weiklie ; if he visites the feik and distrest quhen occasioun requyres ; if he be carefull to take away all eyelifts and variances that falls out in the congregatioun.

Therafter, if neid beis, let him be tryed be the opening vp of some place of Scripture, and be questiouns ; let it be inquiryt of him, quhat helps he hes for the advancement of his studies ; if he hes the text of the Scripture in the originall languages, in cace he be sein in the tongues ; if he hes Tremellius translatioun of the Auld Testament, and Bezas of the New, with the vulgar Inglis translatioun ; if he hes the Common Places ; if he hes the Ecclesiasticall Historie ; quhat Commentaries he hes vpon the Scriptures, and speciallie vpon his ordinar text ; if he hes the Acts of the Counsell of [Trent ;] and quhat vther wryters of the controversies of religioun ; and if he vses the conference of brethren for his reformatioun in the doubts that he finds in his reiding, and of quhom ; if he hes ane ordinary course

of reiding the Scriptures, Ecclesiasticall Histories, and Controversies ; if he makes any memoriall of his travells in wryte ; quhat is his ordinary text ; if he be provydit in the title of the Personage or Viccarage, and if he hes sett any tacks therof, to quhom, and on quhat conditioun ; in whose hands are the rents of his kirk ; and quhat is the best overture he can give for provisioun of a stipend therat, in cace it be not alreadie sufficientlie provydit : and sicht the Sessioun Booke.

The brother beand removit, let the Presbitrie be inquyrit ane be ane, and declare vpon their conscience quhat they know anent his graces, fidelitie in doctrine and discipline, and anent his lyfe and conversatioun. After the quhilk tryall, let him be judgeit, and either allowit or admonished ; or vtherwayes censured, as the cause requyres.

#### The tryall of the Congregatiouns.

Try every Minister particularlie, if ther be any Jesuites, Papists, Seminarie Priests, traffiquers against the estate of religioun and quyetnes of the countrey, within thair congregatioun, or refetters of them : if ther be any witches, excommunicats, contraveiners of the discipline of the Kirk ; [if ther be any superstitious dayes keipit, be setting out of banefires,] or vtherwayes ; if ther be any superstitious places of pilgrimages, wells, and chapells ; if ther be any non communicants ; [if ther be any] homicides, or deadlie feids ; if ther be any adulterers, or incestuous persons ; if the Sabboth be profaned be keeping of mercatts, or labouring, speciallie in the tyme of harvest : And as they find in the premisses, to take ordour for reformatioun of the points forsaids, or any part therof.

#### Tryell of the Presbitries.

Let the Moderatour be inquyred, if they keip thair ordinar conventiouns ; if they have thair monethlie discourse vpon the commoun heids and disputations ; if they [have] visited the haille kirks within thair bounds sen the last generall visitatioun ; if they take ouklike and monethlie account of thair brethrens diligence in the discharge of thair dutie, by catechising and visiteing of thair families ; and sicklyke, if ther be any of thair number that be insolent, and will not acquiesce in the determinatiouns of his

brethren ; [if ther be any eyelift or divisioun amang the brethren ;] quhat vnplantit kirks are in thair bounds.

Qubilk forme the Affemblie thinks good, and ratifies and approves the samein ; and ordaines it to be vniversallie observed in all tyme comeing, in all visitatiouns within this realme : and ordaines the power of the visitours to be direct conforme to the acts of the Generall Affemblie.

The said day, the brethren appointit to visite the petitiouns of the Synodall of Fyffe, condiscendit vpon the anfuers following.

#### Anfuers to the Petitiouns of the Synodall of Fyfe.

1. Finds, that the Generall Affemblies sould be appointit and keipit according to the act of Parliament, haldin at Edinburgh the 5 of Junij 1592 zeirs, quherof the tenour followes, so farre as concerns that point : And sicklyke ratifies and approves the Generall Affemblies appointit be said kirk ; and declares that it salbe lawfull to the Kirk and Ministers, everie zeir once at the least, or oftener pro re nata, as occasioun and necessitie fall requyre, to hald and keip Generall Affemblies ; provydand that the Kings Majestie, or his Commissioners with them, to be appointit be his Hienes, being present at ilk Generall Affemblie befor the dissolving therof, nominat and appoint a tyme and place, quhen and quher the nixt Generall Affemblie sould be : And in cace neither his Majestie nor his saids Commissioners beis present for the tyme, in that towne quher the Generall Affemblie beis haldin ; then and in that cace it salbe leifum to the said Generall Affemblie be themselves to nominat and appoint tyme and place, [quhen and] quher the nixt Generall Affemblie of the Kirk beis keipit and haldin, as they have bein in vse thir tymes by past.

2. If his Majestie fall proceid against Ministers, according to his Majesties awin declaratioun made and inactit in the Generall Affemblie haldin at Dundie [1597,] Sessioun 10. the desyre of the second article is satisfified, and no vther thing meanit therby

3. Thinks it expedient, that the act anent the applicatioun in the Exercise be interpret not to be extendit to forbid the vsing of the Word of God in applicatioun to the general ends therof, quhilk is lafull to exercise after this manner : this heid of doctrine serves for the refutatioun of such ane errour, for the rebuik of such a vyce, for conforting of such a person in

such a case. And as for particular and personall applicatioun, leaves it to be advyfit, whether it falbe in tyme comeing or not, and how farre; and thinks it good, that this be reasonit in the Presbitries; and then [that] Commiffioners [be] sent with thair reasons to the nixt Affemblie theranent; and, in the meane tyme, no innovatioun to be vsit anent personall applicatioun.

4. Let all commiffiouns be givin and vsed from this [tyme] foorth, according to the acts of the Generall Affemblie.

5. Finds, that Doctours hes had, and may have, vote in the Generall Affemblie, they haveand a laufull commiffioun for that effect, according as it hes bein found be the General Affemblie haldin at Edinburgh the 10 of May [1586,] and at 1581, quher it is found and declarit be the act of the Generall Affemblie, that Doctours sould concurre with the Elders as brethren in all Affemblies.

6. Let the caveats be looked to, and preceisslie keipit in tyme comeing, vnder the paines conteinit in the acts made theranent.

7. Anfuerit in the Affemblie.

8. [Nothing to be done and concluded in Affemblies, except it be sufficiently reasoned and deliberated. C.]

9. Acquiesces in the declaratioun of the brethren that hes spokin to his Majestie theranent; and desyres Mr Walter Balcanquell to shew the same to the Affemblie, and how the Presbitrie of Edinburgh is satisfied in this point.

10. Let thair names be given vp, that his Majestie may take ordour with them according to the lawis; and in speciall with Captaine Halkerstoun, Patrick Butter, Mr Alexander Leslie, Duncane Law, Thomas Browne, William Leslie of Concraig, and Patrick Mortimer.

11. Anfuerit in the Affemblie.

12. To acquiesce in his Majesties declaratioun heiranent, and [to] requiest his Majestie, that the Presbitries be acquaint heirafter, in such case quher it falbe neidfull.

13. Quher ther is negligence in this point, let it be amendit heirafter, according to the acts of the Affemblie.

14. Let farther diligence be vsit, quher negligence hes bein.

Quhilks ansuers the Affemblie allowes of, and ordaines the samein to be insert in the Books of the Affemblie.

The quhilk day, the Generall Assemblie haveand advyfedlie confidderit the necessitie of appointing Commissioners from this present Assemblie, not only to awaite vpon such affaires as salbe for the weill and vtilitie of the Kirk [of God,] bot also to give advyse to his Majestie anent the halding furth [of the enemies] of the same, quhen they salbe requyrit be his Majestie therto : Therfor the brethren conveynit in this present Assemblie hes givin and grantit, lyke as they, be the tenour beirof, gives and grants thair full power and commissioun to the brethren vnderwrytin, viz. Mrs Robert Pont, David Lindsay, George Glaidstanes, David Hoome, Johne Clappertoun, Johne Knox, Johne Spottiswood, Alexander Lindsay, Robert Howie, Johne Hall, Johne Caldcleugh, Johne Strauchan, Andro Knox, Gawin Hamiltoun, James Law, Andro Boyd, Alexander Dowglas, Alexander Forbes, Andro Leich, Robert Wilkie, Patrick Sharp, Peter Blackburne, Patrick Simfone, with the Kings Ministers, or any nyne of them ; Giveand, grantand, and committand to them thair full power to plant such kirks in Burrowstounes as [is] or salbe destitute of Pastours :

Attour, If it fall happin the Kings Majestie to be greivit at any of the Ministers for quhatsumevir enormitie committit be them against his Hienes, with power to them, or any nyne of them, as said is, to try and cognosce thervpon, and to take such ordour theranent as they fall think meitt to the glorie of God and weill of his Kirk.

And finallie, With power to them to present the greives and petitionous of this present Assemblie to his Majestie and Secreit Counsell, and generall Conventioun of Estates and Parliament, if any fall happin to be ; and to crave redresse of the samein : Promitten de rato.

The said day, the Assemblie, confidering that the conventiouns of the peiple, especiallie on the Sabbath day, are verie rare in many places, especiallie be distraetioun of labour, not only in harvest and seid tyme, bot also every Sabbath, be fisching both of whyt fish and salmond fishing, and of ganging of mylnes, [the Assembly dischargeth, and inhibiteth all such labour of fishing, as well white fish as salmon fish, and going of mylnes,] of all sorts vpon the Sabbath day, vnder the paine of incurring the censures of the Kirk ; and ordaines the Commissioners of this present Assemblie to meane the samein to his Majestie, and to desyre that ane pecuniall paine might be injoynt vpon the contraveiners of this present act.

Anent the overtures givin in be the Commiffioners of the conftant plat, with the quhilk the brethren were ordainit to be advyfit: After mature deliberatioun and voteing, the Affemblye thinks the fecond overture moft expedient to be acceptit, bearing the provifioun of Minifters to all Prelacies, with the conditionis therin conteinit, as is above exprefte.

Anent the planting of the kirks within the bounds of Annandaill, quhilk hes bein defolat continuallie, fen the reformatioun of the religioun within this countrey: After that the Kings Majeftie had made declaratioun of his godlie intent theranent, how that his Majeftie was myndit to caufe the barrones and gentlemen of Annandaill, at their compeiring befor his Hienes, quhilk wilbe fhortlie, find fufficient catioun and fovertie for provifioun of reafonable and competent livings to every ane of the kirks within the bounds of Annandaill; and therfor defyreand that ane number of qualified men may be provydit for to enter in the Miniftrie at the kirks within the faids bounds: The Affemblye ordaines every ane of the Commiffioners prefent to give vp the names of fuch perfons quho are vacand within thair Prefbitries, and willing to entir in the Miniftrie, to the effect they may be exhortit and earneftlie dealt with be the Commiffioners of the Generall Affemblye, quho fall plant them in places they think moft meit, for to accept vpon them the cure of the faids kirks, how foone fufficient provifioun may be found out for them, and securitie for themfelves: And in cace that after all the difcretioun [be] vfit with them, they then refufe to accept the faids callings vpon them, the Affemblye declares that they falbe countit vncapable of the function of the Miniftrie, ay and quhill they meine themfelves to the faid Commiffioners, whose calling and directioun they refused, and be content to be employed in any part they [fall] think expedient; and if they be already actuall Minifters, and craves transportatioun, if they refufe to be transportit to any of the faids vackand kirks, the Affemblye finds, that the libertie of transportatioun falbe denyed to them, fo that they fall remaine at the faids kirks, fra the quhilk they craveit to be transportit.

The names of such as are vacand.

BRECHIN.

Mr Hendrie Fullertoun.	Mr Dowgall Campbell.
Mr Thomas Hogge.	

ABERBROTHOCK.

Mr Thomas Glover.

DUNDIE.

Mr David Lindsay.	Mr John Scrymgeour.
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SANCT ANDROES.

Mr William Wedderburne.	Mr Daniel Wilkie.
Mr Peter Bruce.	Mr David Kynneir.

PERTH.

Mr Thomas Ros.	Mr Alexander Balnevis.
Mr James Ros.	Mr Patrick M'Greigour.

MERS.

Mr Johne Spotifwood.	Mr William Struther.
Mr Johne Gibfone.	

IRVING.

Mr Robert Boyd.	Mr Malcolme Hamiltoun.
Mr James Montgomerie.	Mr Robert Frensch.

LANERICK.

Mr George Cliddifdaill.	Mr David Lindsay.
Mr David Roger.	

Acta Sessione 6<sup>a</sup> Novembris 1602.

Anent the supplicatioun givin in be Alexander Stewart of Gairlies, Provest of Dumfreis, in name and behalfe of the Counsell and communtie of the said towne, makand mentioun, that quher be the transportatioun of Mr Hew Fullertoun, some tyme Minister at thair kirk, the estate of thair congregatioun is altogether desolate in sick sort, that for inlake of a Pastor quho sould attend vpon the flock, and to care the weill of thair foules, they are not only depyrit of the spirituall food and confort of the Word, but also thair towne is become a receipt of excommunicat Papists and Jesuites; defyreand therfor the Assemblie to confidder thair miserable estate, and to provyde some qualified man to be thair Pastour; and in speciall, ane of the leits given in be them, viz. [Mrs David Barclay,] William Airthur, Alexander Scrymgeour, William Watfone, Hew Fullartoun; promising that [not] only that they wold be reverent hearers of the Word, but also [that] they wold concurre with him and assist him that salbe nominat to be thair Pastour, in the executioun of discipline of the Kirk to the vttermost of thair power; as at mair lenth is conteinit in thair supplicatioun: The Assemblie, after voting, hes chofin Mr William Airthur to be Minister at Dumfreis, quham they ordaine and appoint to be Minister at the said kirk, after incalling on the name of God.

The said day it was thoght good be the brethren, to be meanit, that notwithstanding his Majesties good mynd and intentioun to have all the kirks within this realme sufficientlie plantit with Ministers with competent livings appointit for them; and albeit it was provydit be the act of Februar, and approvit in Parliament, that all the thrids of benefices sould be applyed to the vse of the Ministrie ay and quhill the kirks were plantit, and that penfions givin [in prejudice] therof sould be null; get be importune futeing, ane great part of the saids thrids are disponit in penfions, to the great hinderance not only of the present provisioun of Ministers, but also of the constant platt, quhilk his Majestie intends: Defyreing therfor that his Majestie were informit therof, and take such ordour, that the saids dispositions made in contrair the said act of Februar sould be retreatit, and that command be givin to the modifiers of the platt of this instant geir, to assigne out of the saids penfions for planting of kirks, notwithstanding of saids dispositiouns: The quhilk his Majestie most willinglie grantit, and promist to stay all farther gifts in any tyme comeing.



Item, The Assemblie thocht expedient to adjoyne and nominat vthers out of the number of the brethren to be adjoynit to these, quhilk were nominat be Commiffioners of Provinces conveynit at Halierudehous, the 15 of October 1600 zeirs, out of the quhilk number his [Majestie] sould make choise of such as he sould present to the benefices vacand. The names of them all are, as followes, Mrs Robert Pont, Robert Howie, James Nicol-fone, Alexander Scrymgeour, Johne Forbes, Gawin Hamiltoun, George Monro, James Robertsfone, Johne Howifone, James Melvill, Andro Knox, Patrik Galloway, Alexander Dowglas, Alexander Lindsay, Robert Wilkie, Johne Spottiswood, William Malcolme, Alexander Forbes, Johne Knox, Andro Lamb, Johne Clappertoun, George Grahame, Robert Bruce, John Carmichell, Patrick Lindsay.

Anent the requeist made be the Moderatour, in name of the hail Assemblie, to his Majestie, in favours of Mr Robert Bruce: His Majestie declairit that he wald doe in that matter be the advyce of the Commiffioners of the Generall Assemblie, and [as] Mr Robert be his awin behaviour sould give him occasioun. And because Mr Robert Bruce had be his missive direct to his Majestie befor his departure aff the countrey, as also be the ratificatioun and farther examinatioun and explanatioun therof, in wryte [at Sanct Johnstoun] the 26 of Junij 1602, declarit his resolutioun of his Majesties innocencie, and guiltines of the Erle of Gowrie and his brother, and promised to divert the peiple so farre as in him lay, from their leud opiniouns and vncharitable constructiouns anent his Majesties actiouns, namelie, in this turne: Therfor, his Majestie desyrit the determinatioun of the Assemblie, Whither if the said Mr Robert sould lykewayes make the same declaratioun in pulpitt, according as it is at length sett doune in the said missive and explanatioun therof, at Perth, quherof the tenour followes.

Pleis your Majestie: Hearing that your Majestie was nothing relentit of the former wrath against me, and being now vpon the point to shew my obedience to your Majesties last charge, I could not omit this as my last duetie, to intreat your Hienes clemencie, and to mitigate the extremitie of this intendit wrath. I am not ignorant of that speich, That the wrath of the Prince is the messenger of death; so that I crave, that the Lord for Chrysts sake may adde his blessing, and worke effectuellie in your Grace, as he fall see expedient for his awin glorie, and your Majesties perpetuall preservatioun.

Then to be short : To shew my conformitie with the rest of my brethren of the Ministrie, as at all tymes, so now especiallie, to shew my reverence to your Majestie, and to cleir my suspectt affectiouns heirin, I offer to give to the Father of our Lord Jesus Chryst, in him, and through him, most heartlie thanks for all your Majesties delyveries from your cradle to this present houre ; but namelie, for that delyverie quhilk he gave to your Majestie, [at Sanct Johnstoun,] on Tuesday the 5 of August, farre above all our deserts, and your Majesties expectatioun.

I offer also to stirre vp the peiple to that [same] duetie, and also to divert the peiple so farre as lyes in me, from thair lewd opiniouns, and vncharitable constructiouns of your Majesties actiouns, namelie in this turne.

Finallie, Ther is no duetie that your Majestie can crave of me, without the [manifest] offence of God, and hurt of my awin conscience, but I will doe it with als good a heart as ever I did [any] thing in this earth ; that if by any meanes I might testifie my good affectioun to your Majestie my Sovereigne, and to enjoy my naturall aire, and such vther comforts as the Lord hes given me vnder your Majesties reigne, quhilk I most humblie crave of your Majestie ; beseikand the Lord to move your heart heirvnto for Chrysts sake. So waiting of your Hienes ansuer in all humilitie, I take my leave.

Sic subscribitur,

Mr ROBERT BRUCE.

[And upon the back therof, At Perth the 25 of June 1600. C.]

Farther, Concerning the heids within conteinit, I am resolvit [of] his Majesties innocencie, and the guiltines of the Erle of Gowrie and his brother, according as it is declairit be the act of Parliament ; and therfor acknowledges the great mercie of God towards his Majestie, haill Kirk, and countrey, in his Majesties delyverance ; for the quhilk I thank God from my heart.

Sic subscribitur,

Mr ROBERT BRUCE.

The quhilk the haill Assemblie, after votting, thocht not only reasonable, bot also concludes, that the said Mr Robert aucht to doe the same.

Anent the supplicatioun givin in be Mr Robert Pont, Minister at Sanct Cuthberts Kirk, desyreand, in respect of his great age, and long travells takin in the Kirk of God, and continuall feiknes quhilk followeth age,

that he might be releivit from the ordinarie burdein of the teaching, vpon conditioun that he fall substitute ane in his place quhen through infirmitie he fall not be able to teach himselfe : The Affemblie thinks his sute reasonable, and therfor condiscendit to the same.

Item, Because his Majestie declarit, that he was informit that fundrie of the Ministrie neglectit that part of thair duetie towards his Majestie in not giving thanks to God for the wonderfull delyverie of his Majestie from the treasonabill attempt [at Sanct Johnston] of Johne sometyme Erle of Gowrie, and his brother, vpon every fyft day of August : Therfor the Affemblie statutes and ordaines, that in all burrowstounes within this realme ther be ordinar preaching and teaching every Tuesday, in the remembrance of the delyverie of his Majestie that day of the weik ; and that every fyft day of August ther be preaching in every kirk within this realme, to burgh and to land, thankand God of his Majesties delyverance that day of the moneth.

And because the peiple in landwart parochines cannot be so easilie conveyit as in burrowstounes, therfor, and for [their] better conveying, it is ordainit, that everie Minister at everie landwart kirk fall, vpon the Sondag preceeding the fyft day of August, make intimatioun to his parochiners, that they conveye the said day in the kirk with him, to thank God for his Majesties delyverance.

And to the effect that all ryotousnes, drunkennes, and vther filthie exercises, may be restrainit, his Majestie promised to cause all insolencie in behaviour to be dischargit and forbidden every zeir be [open] proclamation, and Magistrats to take ordour with the contraveiners therof.

Item, The Affemblie ordaines, that no marriages be celebrate aillie in the morning, or with candle light ; and finds lykewayes, that it is leifum to celebrate the said band of mariage vpon the Sabboth day, or any vther preaching day, as the parties fall requyre and think expedient ; and ordaines the same to be indifferentlie done ; and that no ryotousnes be vsed at the same vpon the Sabboth day.

Item, It is statute, that the sacrament of baptisme be not refused to any infants, if the parent crave the same, he giveand a Christian confessioun of his faith, vpon any vther particular pretence ; and specially, that baptisme be not delayit to certaine particular dayis.

Anent the supplicatioun givin in be Mr Edward Bruce, Commendatour, Abbot of Kinloss, makand mentioun, that quher he haveand ane tack and

affedatioun of the Kirk of Tarbet, sett be Mr Johne Monro, and Mr David Lindsay, Bischop of Ros, the geirlie duetie quherof, albeit it extends only to the fowme of twa hundreth pounds, nevertheles [he,] for the better intertainment of the said Mr Johne, actuall Minister at the said kirk, hes condescendit to convert the said fowme of twa hundreth pounds in ten (twa?) chalder of beir as for ane constant stipend to the said Mr Johne and his succeffours, Ministers at the said kirk of Tarbet, vpon condition that the Ministers of the Presbitrie of Ros, quhilk are of the Chapter of the said Bischopruck, wald ratifie and approve this tack of the said kirk, quhilk they wald willinglie doe, provyding the Assemblies [consent] were obtainit therto, as at mair lenth is conteinit in the said supplicatioun: The Generall Assemblie ratifies and approves the saids tack and affedatioun, sett to the said Commendatour, of the teinds of the said Kirk of Tarbet, as weill be the said Mr Johne Monro as be the said Mr David Lindsay; and ordaines the brethren of the Presbitrie of Ros, quho are members of the said Chapter, to consent to the same be their subscriptionns; because they vnderstand the said kirk to be sufficientlie plantit be the moyen forsaid.

Anent the supplicatioun givin in be Mr Patrick Carmichaell, Minister at Aberdoure, makand mentioun, that quher the Assemblie haldin at Montrois in Marche 1600 geirs, it was concludit, that Mr William Patoun sould serve the cure of both the kirks of Aberdoure and Dalgatie, and for his service sould uplift the auld stipend of both the saids kirks, ay and quhill sufficient provisioun were made for planting of both the saids kirks; and true it is that the said complainer is now plantit Minister at Aberdoure; desyreand, therfor, to cause the halfe of the said stipend to be dimittit to him be the said Mr William, in respect of his service at one of the saids kirks: The Assemblie finds [and decerns] the hail stipend contravertit to appertaine to Mr William Patoun, Minister at Dalgatie, conforme to his assignatioun of the crope and geir of God 1601 geirs, except the Viccarrage of Aberdoure, quhilk they adjudgeit to pertaine to the said Minister at Aberdoure.

Anent the supplicatioun givin in be the north Paroch of Leith, makand mentioun, that quher the Presbitrie of Edinburgh hes erectit the said north Paroch of Leith in ane parochin, quhilk is also approvin be the Synodall of Lawthiane; desyreand, therfor, the ratificatioun of the Generall Assemblie vnto the same: The Assemblie ratifies and approves the erectioun forsaid in all points.

Anent the supplicatioun givin in be the inhabitants of the Ferrie of Scottiscraig, Garpat, Shamvall and Muirtaine, makand mentioun, That they being a great multitude, and farre distant from thair paroch kirk of Leuchars, they, with commoun consent of the haill parochiners, Presbitrie of Sanct Androes, and Synod of Fyffe, hath erectit ane paroch kirk in the said Ferrie, and almost compleitit the same, for the commoditie and vse of the peiple most adjacent therto ; desyreand, therfor, the Affemblies authoritie to be interponit therto, and to give power to the Presbitrie to annexe sick villages as are most adjacent to the said paroch kirk : The Affemblie ratifies the erectioun forsaid, and gives power to the said Presbitrie to the effect above wrytin.

Anent the supplicatioun givin in be ane Noble Lord, Alexander Erle of Lynlithgow, makand mentioun, That quher it hes pleasit the brethren of the last Affemblie to relaxe Dame Helenor Hay, his spouse, from the sentence of excommunicatioun, and to injoyne certaine particular conditionis to be observed be her, quhilks conditionis, albeit she, of the stubbornes of her heart, wald no wayes condiscend to obey, to his great greife and sorrow ; nevertheles, the brethren sould have consideratioun of his hard estate, quho cannot, be no law, separate himselfe from her, notwithstanding that sho refuses to heare and obey the wholesome voyce of the Kirk, calling her to grace in Jesus Chryst ; and the rather because he himselfe, as he hes continuallie and constantlie profest the trueth and religioun presentlie profest within this realme, so he hes vsed all meanes possible for bringing his spouse to the true knowledge of the same ; lykeas also he is readie to doe quhat lyes in his power, be all good meanes, to draw her to the trueth ; desyrand, therfor, the Affemblie to pitie his daylie grieife, and shew him some favour in the mitigatioun of her punishment, and staying of the censure of excommunicatioun aganis her, that he be not compellit to remaine in societie with her that salbe cutt off from the societie of the Kirk : The Affemblie having considerit the supplicatioun, continues the pronouncing of the sentence of excommunicatioun against her vnto the nixt Generall Affemblie, provydeing that the Kings Majestie remove his Hienes daughter out of her companie ; and lykewayes that his Lordships bairnes be catechisit in the trueth ; and lykewayes that his Majestie give command to him to debarre all Papists from his house ; and that, in the meanetyme, his Lordship caufe deale with his said spous, to sie if by any meanes sho may be drawin to the acknowledging of the trueth.

Sessio Vltima, 16 Novembris 1602.

Anent the supplicatioun givin in be the brethren of the Synod of Glasgow, makand mentioun, That quher albeit fundrie tymes, be their actis, they had discharged Mr George Simple to have any meddling with the Ministrie of the Kirk of Killellane, for the causes and consideratiouns knowin to them, and speciallie for a great mislyking that specialls of the paroch had of him ; nevertheles he had not only infistit in futeing of the said kirk, but also he had obtieinit, be privie moyen, the consent of the Commissioners of the Generall Assemblie therto, for planting of him at the said kirk, the saids brethren not being heard, nor thair reasons in the contrair discuffed ; desyreing, therfor, that thair reasons may be heard, and, after dew tryall, that the Assemblie wald give thair finall sentence in the said matter, quhilk they wald obey :

The Assemblie, after due tryall, absolves the said Mr George from all evill crymes and eylyfts quhilk were laid to his charge, either be the brethren of the said province, or be the parochiners of Killellane, and gives him, be thir presentis, a testimonie of his honest behaviour ; bot in respect that he was nevir plantit fullie Minister at the said kirk, and of the great mislyking that is betuixt him and fundrie of the saids parochiners of Killellane, as said is, they think it not good that he be plantit Minister at the said kirk ; and, therfor, ordaines him to desist therfra, and to dimitt the presentatioun made to him of the benefice therof, in favours of Mr Johne Cunighame, quhom the Presbitrie hes thocht good to be Minister therat, vpon conditioun that the said Mr George be first satisfied be the said Mr Johne, for his said dimissioun, paines and lose susteinit be him in pleying of the same : Quhilk satisfactioun falbe presentlie modified be Mr Johne Cowper, arbiter chosen for the said Mr William Cunnighame, and Mr Robert Pont, arbiter chosen for Mr George Sempill ; and in cace of variance, be Mr Patrick Galloway, as oddisman and ovirsman chosen be both thair consents : With provisioun lykewayes that the said Mr George be first plantit at the Kirk of Kirkbeane, or any vther place quher his Majestie sall think expedient in the south west parts, with sufficient provisioun for his sustentatioun therat.

The said day, the Assemblie ordaines Richart Browne to be transportit to the kirk of Haliewood, and that the brethren deale with the Abbot for

a sufficient provisioun to the said kirk, and in speciall Mrs David Barklay, Robert Hunter, and Hew Fullertoun.

Item, The Affemblie ordaines, that, in all tyme comeing, the licence to be grantit to any beneficit Person to sett tackis, be restrainit either to ane lyferent tack, or to ane nynetein geir tak allanerly.

Anent the supplicatioun givin in be Mr John Nicolfone of Laifwad, beirand, that quher he was kyndlie taksman of the teinds of his awin lands of Lesswaid, in respect quherof he had aggried with Mr George Ramsay, Deane of Restalrig, for renewing of his saids tacks for paying of a greater duetie then they payed of before, so that the kirk was sufficientlie plantit; to the quhilks the said Mr George condescendit; desyreand, therfor, the Affemblie to ratifie [and approue] the saids tackis, and declare the samein als sufficient as if ane speciall licence had been obtainit to sett the same: The Affemblie ratifies and approves the saids taks of the teinds of his awin lands of Lesswaid, and declares the samein als sufficient, as if a speciall licence had been obtainit therto.

Item, At the earnest sute of the Presbitries of Cliddisdail, Walter, Pryour of Blantyre, taksman of the Personage of Glasgow, condescendit to give 15 chalders victuall, by and attour the duetie of his tacks, for the better provisioun of the Ministrie at the said kirk of Glasgow, vpon conditioun that the present Person shuld ratifie and approve his present tack that he hes to runne of the saids teinds: The Affemblie thinks the conditioun reasonable, and, therfor, ordaines the present Person to ratifie the same; and declares that the said Commendatour shal not be farther troublit for any greater provisioun to the said kirk during his saids tacks, be nane of the Ministrie serving that cure.

Anent the propositioun made in the Affemblie vpon the privat motiouns of fundrie particular brether, from diverse parts, to the Moderatour, desyreand that a certaine number of the brethren of best judgement and experience shuld be put apart to consider of the chiefest dangers appeirand to religioun, and quyetnes of the estate of the countrey, and of the principall causes therof, and how the samein might be most effectuoullie preventit; with power to them to conclude, and communicat thair best advyces to his Majestie theranent, and to the Presbitries, so farre as shalbe found expedient: The Affemblie finds the samein most requisite, and, for the effect above wrytin, nominates, &c. with power as said is.

The quhilk brether having at length communicat thair informatioun, to-

gether with thair awin knowledge, anent the premiffes, Finds that ane of the cheifst caufes of danger proceids from the miscontentment of some outrageous and malicious Papifts, that rages and leaves nothing vnaffayit to trouble; for being out of all esperance to have his Majefties indifferent affectioun, or oversight over them and thair religioun during his reigne; and of vthers that be the executioun of iuftice finds themselves or thair friends and thair houfes to have fustainit any lofe, and to be impairit of thair greatnefs and dependance, and to be redactit to live vnder the obedience of lawis vtherwayes nor they were wont; and from the malicious buffines of certaine craftie and feditious perfons, that either for the prefent neceffitie of thair awin eftate, or for hope of advancement and gaine to be had in the change of the prefent gouvernement, ceafes not be all meanes to inflame the hearts of fuch as they perceive to be miscontentit in any eftate, and making every man to fie his awin defyre in the trouble of the countrey; dealing in the meanetye lykewayes with fuch as are of the moft sincere affectioun to religioun and iuftice, that things is not done in that integritie that is profest; preafing hereby to make the godlie and good fubiefts the more cold adverfaries to fuch as wold intend a trouble:

For remeid quherof it is thoght good and concludit, that his Majeftie falbe informed heiranent, that, be his awin care and foirficht, fuch vngodly plats and counfells may be frustrate; and ficlyke that every Minifter within this realme fall deale generally with thair congregatiouns and auditors, at all occafions, in thair publick doctrine in pulpitt, and with all noblemen, barrones, gentlemen, and vthers that are of any speciall credit or power, particularlie in thair privie conferences, perfwading them of the Kings honest mynd for eftablifhing of the true religioun prefentlie profest within this realme, and of the executioun of iuftice, and of his ftedefaft refolutioun to hazard his eftate, lyfe and crowne, in the caufe of the Gofpell, with the ftanding and falling quherof, he acknowledges his ftanding and falling to be infeparable conjoynit; and that they mark narrowlie the actiouns of all men, fpecially of fick as that either for religioun, or executioun of iuftice, or for the neceffitie of thair awin eftate, mislykes the prefent gouvernement, and are inclined to novatiouns, and quhom they fie in any kynd of extraordinary buffines by thair custome; and that they make his Majefties Minifters acquaint therwith, not ceafing in the meane tyme to bring them to ane quyet mynd: and for this effect, that in all thair ordinarie meittings in Sefiouns, Presbitries, and Provinciall Affemblies, ther be a particular and



privat inquisition in thir points as neid beis, that his Majesties Ministers may be advertised with all expeditioun : And lykewayes it is thocht expedient and concludit, that his Majesties Ministers, and sicker vthers of the Ministrie as fall have occasioun to be in any charge about his Majestie, informe the Presbitries of the estate of things, as they proceed, so farre as it is neidful for the weill of the cause ; and that this advyce be extractit and sent with diligence to every Presbitrie in authentique forme.

The next Assemblie is appointit to be haldin at Aberdein, the last Tuesday of Julij 1604.

Thanks beeand givin to God be the Moderatour, for the comfortable successe of this present Assemblie, the brethren were dismissed.

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A.D. M.DC.IV.

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[AT Aberdeen the last day of July the year of God 1604, within Sanct Nicolas parish kirk of the Burgh of Aberdeen, at four hours after noon, or thereby, before these witneses, Mrs Peter Blackburne, James Rofs, Archibald Bleckburne, Ministers at Aberdeen, John Rough, Minister at Nig, Mr Thomas Nicolson, Commiffar at Aberdeen, and George Nicolson, burgels of the said burgh.

The which day, in prefence of the witneses foresaids and of us Connotars Publick under subscribing, compeared personaly within the said parish kirk Mrs James Melvill, William Areskine, and William Murrey, Ministers of the Evangel of Jesus Christ, and presented a Commission given unto them be their brethren of the Presbytrie of Sanct Andrews, wherby they are constitut Commissioners for them for keeping of the General Assembly at Aberdeen the month of July instant, as the said Commission, which was read in audience of us, and the said witneses, in itself at more length bears; whereof the tenor followes.

At Sanct Andrews the 26 of July 1604 years, the which day, after in calling of the name of God, the Presbytrie constituted and appointed their brethren, Mrs James Melvill, William Areskine, and William Murrey, their Commissioners to the General Assembly appointed to be holden at Aberdeen this month, giving to them their full commission and exprefs to pass to Aberdeen; and there, for the said Presbytrie, and in their name, to reason, vote, and conclude in such things as shall be handled in the said Assembly, and to doe whatsomever other things belong to the well of the

Kirk; promising to ratifie and approve whatfomever their Commissioners fall doe therinto, according to the Word of God. In witness whereof they have commanded their Clerk to subscribe this present commission, day, year, and place foresaid.

Sic subscribitur,  
Mr Robert Rough, Clerk of the Presbytrie,  
at command of the same.

And therewith gave in, and presented in writ their protestation subsequent, which sicklyke was read in audience of us, and the said witnesses; and was subscribed with their hands in our presence, whereof lykways the tenor followeth.

For as much as albeit the Kirk of Scotland ever since the reformation of religion, and light of the Gospel, rightly informed and instructed thereby, have thought it a most necessar duty aughtand to Christ, and his Kirk, to conveen in their General Assemblies yearly, for keeping of the puritie of doctrine, exercising of discipline, and governing of the whole estate thereof with uniform consent and agreement, lyke as they have been in continual custome, use, and possession, to keep the same inviolable, as a chief and principal part of the office of the Ministrie commanded be the Lord Jesus Christ; as also God has moved the heart of the King our Sovereign, with consent of his Majesties Estates in Parliament, be special act and law to ratifie and approve the same, granting liberty and freedom to the Ministers of the Kirk to conveen in their General Assemblies once in the year at least, and oftner pro re nata; and the Kings Majesty, of his special care and affection to the Kirk of Jesus Christ within his Hienes realme, gave his own presence at divers General Assemblies, as at the last holden at Halyrudhouse; where certain grieves being given in, and amongst the rest, that the General Assemblies were not ordinarily kepted, his Majestie with the said Assembly ordained that to be ammended in tyme coming, appointing the act of Parliament made thereanent to be observed, inserting the very words of the said act of Parliament in the ordinance of the Assembly; and according thereto, at the ending of the same Assembly, appointed the next General Assembly to be holden at Aberdeen, the last Tuesday of July, in the present year 1604. Nevertheless that day being now come, and instant wee found no appearance of keeping of the said appointed Assembly be the presence of the last Moderator, nor convention and meeting together

of brethren, Commissioners directed from Provinces and Presbyteries, to the great displeasure and grief of our hearts, namely, in so needfull a tyme, when messes are broken furth in divers parts of some of the chief burghs of the realme, Perth and Linlithgow; kirks and congregations lye pitifully unplanted; a careles coldness in all estates, namely of the Ministry itself, of the Gospel and glory of the Lord Jesus; and Atheism with all kind of vice overflowing the face of the land: Therefore wee Mrs James Melvill, William Murrey, and Areskine, Ministers, Commissioners appointed be the Presbytrie of Sanct Andrews to this present General Assembly, having precisely kepted the foresaid day set for the said Assembly, and attended in the Kirk of Aberdeen all the forenoon, without meeting of any Commissioners from other Presbyteries, since wee could doe no more, haue thought it our necessar duty, before God, and his Angels, and yow that are present, to take documents, and make protestation: Lyke as in the hands of yow Notars Publick wee take acts, instruments, and documents, that wee above nominat are here present, directed in commission from our said Presbytrie of Sanct Andrewes, for keeping of the said appointed General Assembly, on this day, and in this place, so that it desert not so far as lyeth in us, but may hold and keep according to the Word of God, constitutions, and continual custome of our Kirk, the laws of the realme, and appointment of the last General Assembly, wherein the Kings Majesty was present. And wee protest before God, as said is, that whatsoever skaith, damage, or hurt the interest of the Kirk and Kingdom of Jesus Christ within this realme, in the priviledges, liberties, and freedom, or otherwayes, in the general or particular estate thereof, shall happen to sustain or incurre be the overseeing, neglecting, and slipping of the said appointed Assembly, it be not imputed to us nor our said Presbytrie of Sanct Andrewes: Protesting also expressly, that the same, if any be, may be amended and redressed be remeed of the Word of God, laws of the realme, acts and constitutions of our Kirk, and old liberty and freedom thereof, at such tyme and place as God shall think convenient. Thus protesting, and procuring most instantly and solemnly for the well, priviledge, and liberty of the said Kirk and Kingdom of Jesus Christ, established within this realme, moved and stirred up thereto for no other cause, as God the great Judge shall judge us, but that wee may doe and discharge a most necessar duty for the glory of Christ, safety of this Kirk, and the ease and relief of our consciences, in

that great day of his glorious appearance to call us to account of our Ministerie and dispensation. Sic subscribitur,

Mr James Melville, Mr William Areskin, Mr William Murrey.

Which Commission and Protestation being read, and presented, as said is, Mrs James Melvill, William Areskine, and William Murrey made their protestations conforme thereunto, and took documents and instruments thereupon, in the hands of us Connotars Publick under subscribing, day, month, year, and place forefaids, and before the witnesse above mentioned, witnessing these our subscriptions manual.

Ita est, Magister Thomas Mollesonus, Scriba communis burgi de Aberdeen, Notarius Publicus, ac testis ad praemissa requisitus et rogatus ; Testante hac mea subscriptione manuali.

Ita est, Gualterus Robertstone, Scriba substitutus burgi de Aberdeen, Connotarius Publicus in praemissis specialiter requisitus ; Testantibus his meis signo et subscriptione manualibus.

Ita est, David Marr, Connotarius, in praemissis rogatus et requisitus ; Testante hac mea subscriptione manuali.

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A.D. M.DC.V.

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July 2.\*

THE which day divers and fundrie brethren from divers and fundrie places and provinces in the land, instructed with sufficient commissions from their Presbyteries, to reason, vote, and conclude in the General Assembly appointed be his Majesties Commissioner, and Commissioners of the General Assembly, with continuation, directed from Perth the 4 of July, the year of God 1604, subscribed be his Majesties Commissioner the Laird of Lauristoun, and Mr Patrick Galloway Moderator of the last General Assembly holden at Halvudhous, and Richard Thomson Clerk to the Commissioners, to be and begin at Aberdeen the first Tuesday of July 1605 years, if be sooner advertisement it cannot, being lawfully assembled upon the said warrant and direction, according to the warrant of the Word of God, laws of the countrey, and continual custom of the Kirk of God therein. After in calling of the name of God be Mr David Rait in absence of the last Moderator, Mr Patrick Galloway, Mrs Robert Durie, John Monroe, John Forbefs being put on leit, Mr John Forbefs, with uniform consent of the

\* The great Commissioner Laurestoun with the Commissioners of the General Assembly had written to all the Presbyteries, for keeping of a General Assembly at Aberdeen the second of July. The missives directed to the Presbyteries, subscribed be Richard Thomson Clerk to the Commissioners of the General Assembly, differed in the day; in the missives directed to the North, was appointed the second day of July; in the missives directed to the South the 5th day: . . . . Therefore some came the 2d day, and some the 5th day.

whole brethren, was chosen Moderator ; his Majesties Commiſſioner, the Laird of Laureſtoun, having firſt nominated the ſaid Mr Forbeſs to be mouth of the reſt. And Mr John Sharp, in abſence of Mr Thomas Nicolſon, with conſent of the whole brethren, was nominat and choſen Clerk.

The ſame day his Majesties Commiſſioner, having firſt be word declared the decree of his Majesties Secret Counſell touching the ſaid meeting, did give in a letter directed for the Lords of his Majesties Secret Counſell, to the brethren of the ſaid Miniſtry convene'd at the ſaid Aſſembly : The tenor and contents whereof follows.

Truſtie friends, After our heartie ſalutations, hearing that ye have appointed an Aſſembly to be holden and kept there at Aberdeen in the month of July next to come, whereby the Kings Maſteſtie may take ſome occaſion of offence againſt yow ; ſeeing neither has his Maſteſtie been made privie to your reſolution, nor yet has his Hienes conſent and allowance bein ſought and obtained to that effect, according to the law and cuſtome enſcrib'd obſerved the many years by gane, wee have thereupon thought meet hereby to advertiſe you to conſider this matter as appertaineth, and wiſely to ſorſee what prejudice ſuch raſh and unadviſed proceedings may draw upon your eſtate : For wee are perſuaded, if ye proceed to the holding of this Aſſembly without his Majesties approbation and allowance, that his Hienes will very hardly digeſt that matter, and will account the ſame as a contempt touching his Maſteſtie in a high degree : And therefor it is our will and pleaſure, and wee think it meet, and expedient for your own well, and the peace of the Kirk, and for intertaining aud cheriſhing that chriſtian harmony which ſhould be betwixt his Maſteſtie and yow ; that ye diſſolve yourſelves, repair every one to his own houſe and calling, and ſuffer this meeting to deſert. And before ye appoint any new meeting, or Aſſembly, that ye acquaint his Maſteſtie therewith ; whereby, as ye ſhall teſtifie your obedience and conformity to his Majesties will and his lawes, ſo we doubt not but his Maſteſtie, upon your own ſuit and ſupplication, will in reaſon give you contentment and ſatiſfaction herein. Wee have at greater length communicated our minds in this matter to the Laird of Laureſtoun, one of his Majesties Privie Counſell, who will at length impart the ſame to you. And ſo wee commit you to God.

From Edinburgh the 20 of June 1605. Sic ſubſcribitur,

Your good friends, Montroſe Commiſſioner, Alexander Cancellarius, Blantyre Secretar, Preſtoun, Cockburne.

Which letters, and desire therein contained, with the suit and desire of his Majesties Commiſſioner agreeing thereto, being rypely conſidered be the ſaid Affembly, and having weighed the weightineſs of the affaires neceſſary to be intreated, and rareneſs of their own number, divers of the Commiſſioners being ſtayed be the tempeſt of weather, and willing them, as at all tymes, to witneſs their willingneſs to ſatiſſie his Maſteſtie, and Lords of the Secret Counſell, in all their reaſonable deſires, ſo far forth as might ſtand with the Word of God, and teſtimonie of a good conſcience, thought meet and expedient to continue the treating of the affairs pertaining to the ſaid Affembly to the laſt Tueſday of September following, and to diſſolve for the preſent according to the deſire and ſuit of the letter foreſaid : And ordaines intimation and warning to be made to all the Preſbytries within the land, to chooſe their Commiſſioners, and to ſend them authorized with power to the ſaid Affembly to be holden at Aberdeen the laſt Tueſday of September next to come anno 1605.

After the which ordinance his Majesties Commiſſioner made proteſtation, that from the beginning he did not acknowledge the preſent meeting for a lawfull Affembly, in reſpect of the abſence of the laſt Moderator, and Clerk ordinar.

The Moderator in name of the brethren proteſted again, that the ſaid meeting was and behoved to be a lawful Affembly, in reſpect of the warrant of their meeting the ſaid day before ſpecified, the direction of the Word of God, the lawes of the land, and continual cuſtome of the Kirk.

Which being done, the ſaid Commiſſioner cauſed charge the brethren there aſſembled, to ſuffer the ſaid Affembly to deſert under the paine of horning be John Wiſhart, Meſſenger, who delivered a ſubſcribed copie of the ſaid charge to the Moderator in name of the whole : The tenor whereof followes.

James be the grace of God, &c. For as much as albeit wee have ſignified our will and pleaſure, that we cannot be reſolved anent the General Affembly before the approaching Parliament, and the Parliament being ended, that wee will have occaſion to direct the moſt expedient in that matter for the well of the Kirk : Nevertheleſs wee and the Lords of our Secret Counſell are informed, that, in this mean tyme, there is a General Convention and Affembly of the Miniſtrie appointed to be holden at our burgh of Aberdeen in the month of July next to come ; whereat a number of the Miniſtrie in this our realme intends to be preſent, wee being no wayes



acquainted, nor made foreseen thereof, nor yet our consent and allowance being had, and obtained to that effect, according to the laws, acts, and constitutions made thereanent, and to the custome observed herein, these many years bygane, whereby our directions and commandements in this matter will be violated highlie, to the offence and contempt of us, our authority, and lawes: Our will is herefor, and wee charge yow straitly, and command, that, incontinent these our letters seen, ye pass, and in our name and authority command and charge the whole Ministrie, who shall happen to convene to the said Assemblie, personally, if they can be apprehended; and failing thereof, be open proclamation at the mercat-crofs of Aberdeen, that they suffer the said Assembly to desert, repaire every one to his own dwelling and charge; and that they in no wise presume, nor take upon hand, to convene and assemble themselves together in any place, for keeping of the said Assembly, under the pain of rebellion, and putting of them to the norne. With certification to them, and they failzie, they false denounced rebels, and put to the horn. As also that ye command and charge the Provost and Bailies of our said burgh of Aberdeen, that they suffer no such Assembly, convention, or meeting of the Ministrie to be kept within their toun, as the said Provost and Bailiffes will answer to us, and our Secret Counsell, upon their dutifull discharge of their office. The which to do, &c.

Which being read and considered, the said Moderator, at the command of the brethren, took document, and note, in the hand of the said John Wishart being a Notar Publick, that they were ready instantly to obey the tenor of the said charge. The said John refusing the benefit of his office in that part, the Moderator, with the rest of the brethren, after in calling of the name of God, dissolved, and departed out of the Kirk, for obedience to his Majesties charge: And the said Moderator with the remnant brethren past immediately to the Common Clerks chamber of the said burgh, and there took documents in the hands of James Molleson Common Clerk: The tenor whereof followeth.

At Aberdeen the second day of July, the year of God 1605, in the Common Clerks writing chamber of the burgh of Aberdeen, at half hour to five in the after noon, or thereby, in presence of us Connotars, and witnesses underwritten, compeared personally the Commissioners of the Ministrie of this realme, after following; They are to say, Mr Robert Durie, Minister at Anstruther, Mr Andrew Duncan, Minister at Carraill, Mr John Sharp,

Minifter at Kilmenie, Mr Alexander Strauchan, Minifter at Creich, Mr John Forbefs, Minifter at Afurde, Mr William Forbefs, Minifter at Kinbethock, Mr James Irving, Minifter at Tuiche, Mr Robert Young, fome time Minifter at Clatt, Mr Robert Reid, Minifter at Bancherie Trinitie, Mr Charles Farholme, Minifter at Frazerburgh, Mr William Davidfon, Minifter at Rathen, Mr David Robertfon, Minifter at Rugley, Mr John Monro, Minifter at Tane, Mr Archibald Bleckburne, Minifter at Aberdeen, Mr James Rofs, Minifter there, and John Rough, Minifter at Nige; and alledged, that they being conveened in the Seffion houfe of the Kirk of this burgh of Aberdeen this day, as at the appointed day and place, for holding the General Affembly of the Miniftrie of this realme, they were charged be John Withart Meflenger, be vertue of his Majefties letters, given be act of his Hienes Secret Counfell, of the date at Edinburgh the 20 day of June laft bypaft, within the fpace of a quarter of an hour fince, that they fhould fuffer their Affembly to defer, repair every one of them to their own dwelling and charge; and that they are no wayes to prefume, nor take upon hand to convene, nor affemble themfelves in any place, for keeping of the faid Affembly, under the pain of horning; as the copie of the faid letters, which they fhew to us Connotars, and witneffes underwritten, fubfcribed, as appeared, be the faid John Withart Meflenger, proports; and that for obedience to the command and charge of the faid letters, they instantly, after the giving of the faid charge, diffolved, without any farther action, and came immediatly furth of the faid Seffion houfe and Kirk, to the faid Common Clerks chamber, at the weft end of the Tolbuith of the faid burgh, as to the moft publick place, to take notes, and instruments of their obedience to the command and charge of the faid letters, and diffolving of the faid Affembly in the hands of us Connotars under fubfcribing. And hereupon they craved and took instruments, day, month, and year forefaids, before thefe witneffes, Alexander Forbefs of Fingask, David Ronaldfon, John Tullidaf, Mathew Donaldfon, John Kemp baker, Alexander Thomfon fkinner, burgeffes of Aberdeen, Mr George Spence fervitour to the faid Mr John Forbefs, and Thomas Forbefs fon to Thomas Forbefs elder, burgeffes of Aberdeen.

Sic fubfcribitur,

Ita eft, Magifter Thomas Mollefonus, Scriba Communis de Aberdeen.

Ita eft, Walterus Robertfonus, Scriba Subftitutus burgi de Aberdeen.

Mr John Sharp, Clerk to the Affembly.

## Proclamation by the King in Council.

James &c. For as much as wee, be a special article signified with our own hand, and sent home with the Laird of Laurestoun our Commiſſioner, signified our will and pleasure, that wee for many causes could not be resolved anent the tyme of the General Assembly, before the approaching Parliament; and that in virtue of the said warrant, the Commiſſioners of the General Assembly, according to our pleasure, acquainted the Presbyteries of our realme, with our commandement in that matter; and willed and desired them to forbear all conveneing, meeting, or keeping of the said Assembly; nevertheless a very few number of the Ministrie, led with the spirit of disobedience, and contempt of all lawfull authority, most unlawfully and contemptuously convened themselves within our burgh of Aberdeen, upon the second day of July last; And misregarding the former discharge given to their Presbyteries, the letters of horning executed against themselves, with our Counsels missive letter delivered to them be our said Commiſſioner, they proceeded to the holding of an Assembly in such forme, as neither the absence of the best of the Ministrie, who would attempt nothing might be offensive to us, or prejudicial to the authority of a lawfull and solemn meeting of ane Assembly, nor the dissenting of our Commiſſioner, that any thing should be done therein, could make them dissolve, while first they had made election of their Moderator, and appointed a new day to their next Assembly; and they knowing that their inordinat meeting, which was assisted with so few of the Ministrie, and that of the most ignorant and least accounted, could not have the ground and warrant of a lawfull Assembly; and that there could not be any law, practick, or custom of any other reformed Kirk in Europ, to justify and approve their doings: Lyke as the whole Commiſſioners of the General Assembly having assembled themselves thereafter, and after due consideration of their foolish proceeding, having found the same to be no lawfull Assembly, and all utterly disallowed the same, the said Ministers thereof, in further contempt and disdain of us, our Counsel, and Commiſſioners, have continually sentyne buffied themselves in soliciting and procuring the approbation, consent, and allowance of the whole Presbyteries of our realme, to their insolent and unlawfull proceedings, minding thereby to make their privat and factious proceedings to be a common cause of the Kirk, and by soli-

citing such unlawful approbation of the Presbyteries to pervert the whole order of our General Assemblies : wherein not only the personal presence of the whole, or most part of the Commissioners of the Presbyteries of our realme, is alwise necessary ; and without the which there cannot be an Assembly, but our own consent, or consent of our Commissioner being present, which is altogether requisite : and so as they began with contempt of us, and break of our lawes, even so their unlawfull course and progress of their proceedings tend to nothing, but to heap contempt upon contempt, and will produce farther inconveniences, without remeed be provided. Our will is herefore, and wee charge yow straitly and command, that incontinent thir our letters seen, ye pass, and in our name and authority command and charge and inhibit all and fundrie Synods, Presbyteries, and Sessions of kirks, and Ministers within our realme, be open proclamation, at the Mercat Crosses of the head burrowes of our realme, and other places needfull, that none of them presume nor take upon hand privatly nor publickly in their Sessions, or meetings, nor in Conference, sermons, nor no other manner of way, to authorize, approve, justifie, or allow the said unlawfull meeting, and Assembly at Aberdeen ; neither yet to make any act thereupon, nor doe any other thing, in privat or publick, which may seem to countenance the said unlawfull Assembly, under the pain to be reputed, holden, esteemed, and pursued as guilty of this unlawfull meeting, and to be punished therefor with all rigour. And sicyke, that ye command and charge all and fundrie Lords, and Barons, and gentlemen, Magistrats, and all other our lieges, who shall happen to be present, and hear any Ministers in publick or in privat conferences, and speeches, or in their sermons, to approve and allow the said unlawfull Assembly, raile and utter any speeches against our royal commandements, or proceedings of our Counsel, for punishing and suppressing so hainous enormities, that they make relation and report thereof to our Counsel, and furnish probation ; to the effect the same may be condignly punished, as they will answer to our Counsell thereupon : certifying them who shall hear and conceal the said speeches, they shall be esteemed allowers of the same, and fall be tane order with, and punished therefore without favour. The which to doe, &c.

Given at Edinburgh the eight day of August 1605.

. . . . .

- Copie of the Kings Millive sent to the Presbitrie of Dumfermline.

Trustie and weel beloved, we greet you heartily well. Our knowledge of the jealousies and distractions of the late time, arising without anie necessary or essential cause in the Kirk of Scotland, the progress whereof might tend to open dissension among the Pastors, to their own trouble, the evil example of our people, and our discontentment, having moved us to send for a number of the Ministrie, whom we understand to be of knowledge and good experience, that by their information the cause of these grieves might be truely known, and the best means devised for removing such unnecessary conventions, and reducing their proceedings to a settled good order for their own quietness and our obedience, we have not received that satisfaction of them which we expected, their answers tending more to ignorance of these distractions and grudges, (which to our grief are verie manifest to the world,) nor to anie advice of the remedies thereof; and because we could not be blameless of undutifull negligence, if we should leave any good means unassayed, which might bring readiest remedie unto bypast disorders, and best assurance for good order in the Kirk and obedience to our authoritie in time coming: Therefore we have thought it necessary to appoint some Noblemen and others of our Counsell to convene with a good number of godlie, wise and learned Ministers of the Presbitries of that our Kingdom, at Linlithgow the 10 day of December next to come, to advise and resolve upon the remedies of bypast distractions, preventing of imminent dangers be the daylie increase of the number of Papists travelling in all corners of that Kingdom, to disturb the peace of the Kirk and countrie, and to subvert our royal estate, and for settling of good order and quietness in the Kirk, and obedience to our authoritie: For which purpose our will is, that ye direct Mr John Fairfull, Minister of Dumfermline, Mr Andrew Forrester, Minister there, and Mr James Stewart, Minister at Saulling, of your Presbitrie, to be present with such of our Nobilitie and Counsell as we have commanded to meet them the said day and place, that be them they may know our godlie and just desires, and that such as ye send may give their information, advice, concurrence and judgement for the furtherance of good order, peace, and obedience in the Kirk and countrie to our authoritie, preventing of Papists courses, delating of the names of the authors thereof, and such as receipt Jesuits, Priests, and trafficking

Papists, or other excommunicated persons ; as also such as resort not to the Kirk and communion according to our laws and acts of Parliament made thereanent ; and in all other matters of the like nature, tending to the peace of the Kirk and our obedience, whereanent our constant affection to the advancement of all such godlie purposes will be more largelie signified unto them att the laid meeting, be such of our Nobilitie and Counsell as have our expresse direction in these matters. So resting assured of your conformitie and dutifull obedience in the performance of this our command tending to so godlie and necessary ends, we bid you heartilie farewell.

Att Newmarket the 20<sup>th</sup> of October 1606.

To our truistie and well beloved the Ministers of the  
Presbitrie of Dumfermline.

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A. D. M.DC.VI.

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IN the Affemblie of the Kirk of Scotland conveinit be his Majeftie  
and haldin at Linlithgow, Anno 1606,

Seffio 1<sup>a</sup> 10 Decembris,

Were prefent the Noblemen following :

Montrofe.	Lothian.	Cullrofs.	Clerk Register.
Glencarne.	Mr of Montrofe.	Halyrudhoufe.	Bruntiland.
Linlithgow.	Mr of Lothian L. Newbottle.	Justice Clerk.	Kilfyth.
Orkney.	Lindfay.	Privie Seal.	
Dumbar.	Wchiltrie.	Advocat.	
Wigtown.	Skoone.	Collector.	
Kinghorne.	Blantyre.		
Abercorne.			

BARONS.

Kinnaird.	Sir John Hamilton.	Montrofe.	Blantyre.
Torrie.	Balmaine.	Lindfay.	Kilfyth.
Balcolmnie.	Waughton.	Collector.	
Innerweek.	Balvaird.		

The Minifters out of the Prefbitries were about the number of 130, out  
of the moft 3, out of fome 5, fome 6.

Mr Patrick Galloway, as Moderatour of the last Affembly, was desired to have preached on the morne. He refused, alledging he knew nothing of that meeting, and was not provided. It was answered, that the meeting should be prorogued to the 22 of that instant, and so he should have time to be provided; but he continued constant in his refusal. In end he was dealt with to make a prayer as his Majesties Minister, and not as Moderatour att the meeting, wherunto he yeilded. So the Bishop of Orkney, Mr James Law, made the sermon upon these words, Pray for the peace of Jerusalem. Therafter Mr Patrick addrested himself to the Moderatours place, prayed, and made a discourse upon Math. 18, 20. He opened the causes why his Majestie appointed the meeting, namelie, to take order with Papists; to advise what way Ministers might be better provided with constant stipends; and how jarres among the Pastors might be removed.

The Erle of Montrose principal in the Commiffion followed with a short harangue, which was explained by Mr Patrick, because his voice was weak. The sum wherof was, that we had all cause to praise God for the care that his Majestie had for the peace of this Kirk and maintainance of the freedom therof; and ended with an exhortation to the brethren convened, to judge charitablie of his Majesties proceeding, and to give to his Hienes satisfaction in the matters to be proponed.

Mr John Prestown seconded him with a large discourse of the pains and travells which his Majestie had taen in the affairs of the Kirk, the manie good laws made by his Majestie for maintainance of religion, the great care his Majestie had to have all the Kirks of Scotland planted, and how in all the expeditions made in the South and North against his Hienes rebels, his Majestie employing ever some time in the affairs of the Kirk: And so ended with exhortation to give his Hienes satisfaction.

The Clerk of Register followed, affirming that seeing his Majestie was a Chrystian and religious Prince, and so well grounded in his religion to the admiration of the whole world, that he ought to be obeyed in all his directions, alledging Paul in his Epistle to Timothy, exhorting, for the peace of the Kirk, to pray for all Princes, especialie for the tyrant Nero, under whom they then suffered persecution. He remembered some speeches uttered by some of the Princes of Germanie, namelie the Duke of Saxony, extolling his Majesties constancie in his religion; and so inferred, that seeing strangers had so reverent regard of his Majestie, his own subjects should not be lead with a finistrous conceit.



After this, Mr Patrick Galloway said it was needfull that there should be a Moderator chosen, and produced 4 in leit, viz. Mr Patrick Sharp, Mr Robert Howie, Mr Alexander Lindsay, Mr James Nicolson; and the said Mr James was chosen Moderator.

When he entered into his place, he assumed Mr Henry Philip, Minister of Arbroth, to be Scribe without the oath of fidelitie. Therafter a number were nominated for the privie conference, which was appointed to be that afternoon; and so the Assembly dissolved for that day.

Sessio 2<sup>a</sup> 11 Decembris.

The Assembly mett at eleven hours, and after prayer the Moderator examined the whole Bishops and Commissioners of Presbitries upon their diligence in seeking the execution of his Majesties laws against the Jesuits and excommunicated Papists, of whom there were some given in be everie Presbitrie in writte. There was no diligence reported but excuse; and the chief excuse was upon the oversight granted to the Marquess of Huntlie and his Ladie. After a sharp rebuke given unto the Bishops and the Commissioners for their negligence, and oversight in that point, the Assembly dissolved for that night, and the Conference appointed to meet the morne att 8 hours.

There were handled these points; 1. Anent the suppressing or reforming of Papists; 2. Anent the planting of all the kirks in this land; 3. Anent the remeedy of the eyelids and distractions that were among ourselves in the Ministrie here.

1. For the suppressing and reforming of Papists.

The Papists were ranked thus. Some were Jesuits, Priests, sayers and hearers of Masse; and the whole number of Ministers were posed in conscience to delate their names. Manie ample promises were made and conclusions taken for prosecuting the laws with all rigour against them; yea his Majesties garde here was then to be directed to take and apprehend them.

Some were recusants or not communicants, who were ordeaned to be

proceſſed be the Kirk with all expedition, and their names alſo to be givin in with the roll to the Counſell, who promiſed to exact the penaltie in the law preſcribed againſt them, who att leaſt communicat not once everie year, and no exceptions of perſons to be ; and this to be the civill puniſhment without prejudice of our cenſures ; and promiſe made that no letters ſhall be directed from Counſell, as was wont, to ſtay our diſcipline againſt anie perſoun whatſoever.

Some were Noblemen contrarie minded and not as yett reſolved, albeit they have ſubſcribed, ſworne, and communicated ſome time with us. Theſe were ordained with all diligence to addreſs themſelves to ſeveral burghes to hear the Word, confer, &c. for their better reſolution ; and yett to be proceſſed, except they wait well on and profited &c.

The Noblemen ſuſpected of Papiſtrie are ordained to be confined in the towns following, viz. the Erle of Sutherland, his wife, and mother, in Innerneſs ; the Erle of Cathneſs and his Lady in Elgine ; the Marquiſs of Huntlie, his wife and bairns, in Aberdeen ; the Erle of Angus, his wife and bairns, in Glaſgow ; the Erle of Hume and Lord Hereis in Edinburgh ; the Lord Maxwel in Lyth ; the Lord Semple in Iruing.

And that theſe things might take effect according to the mind of that meeting, theſe two orders were deviſed. 1. That a letter of requeſt ſhould be formed and ſent to his Maieſtie, for cauſing the foreſaid Noblemen reſort with diligence to their ſeveral appointed cities. 2. That ſome brother be appointed ane Agent in everie Preſbitrie, to informe the Counſell of all Papiſts, Jeſuits, or Excommunicants within their bounds, to raiſe Letters, to keep the Counſells dyets, and to ſee the Counſells decreits put in execution, who ſhould be a conſtant Moderator to be anſwerable for his diligence in theſe points ; and for his ſervice he ſhall have in penſion of his Maieſties patrimonie ane hundred Scottiſh pounds, if he be not a Biſhop in that Preſbytrie : Otherwiſe, where the Biſhop is, he ſhall have the burthen and receive no gain therefor.

The Acts of the General Aſſemblie anent the inſtructing of Noblemens ſons at home, who paſſing out of the countrie returne Papiſts, are promiſed to paſs be ſtatute in the next Parliament.

## 2. For planting of Kirks.

### 1. The Lords Modifiers choſen and appointed att Parliament promiſſed

to sitt down att Edinburgh the first of January, for modification of stipends to the Abbey Kirks of this new erection ; the same to be done in Bishops Kirks, and that be reason the act of annexation was dissolved in their favours in this last Parliament.

2. The benefices of cure, wherof Noblemen have a good part of the rent of, the Moderators, Bishops, Commissioners, are appointed to deale with our Lords of the College of Justice, for obtaining decreitts att least for sufficient provision.

3. Where they are small benefices and sett in tacks, to deal with the tacksmen for obtaining augmentation, and that be offering unto them new tacks, the gressome or entriffe silver wherof shall acresse to the stipend in all tyme comeing, and not be employed to anie mans privat use ; and who refuseth augmentation, or this condition, their names to be sent to his Majestie, who shall take farther order with them, or ellis their tacks to be sett to others.

4. Where kirks are near adjacent, and aither mean in number or provision, then the Parliament shall unite two in one, and provide for them.

5. For takeing up the eyeleifts among the brethren, the causes therof were tryed to be these.

1. The warding of the brethren now banished and scattered, wherof the remeed was thought to be this, viz. a letter of supplication was appointed to be written to his Majestie, and a writte of information to be formed be some of that number who were best acquainted with his Majesties mind and pleasure, to be sent to the brethren to acknowledge their oversight.

2. The want of a General Assembly, which, with advice of his Majesties Commissioner at that meeting, was appointed to be holden at Edinburgh on the last Tuesday of July nixt.

3. A heaveie suspicion and fear in all good mens hearts, that inbringing of Bishops in our kirk should spoil us of our discipline, &c.

For remeed wherof, the Bishops protested there was no such thing in their mindes, and willinglie submitted themselves in all time comeing to the judgement of the General Assemblie ; and that his Majesties minde and pleasure was never otherwise, but that the most wise and grave men might be Moderators of the Presbitries ad culpam, who should be subject to the judgement of the Provincial Assemblies, without any farther pouer

than they had before, except that his Majestie would have them members of his Parliament for the Kirk. Some objected their non residence within their Diocie, and not preaching there where their benefice lay. They answered, their benefices were spilt and wanted present provision; and therefore required a time to seek the benefite of the law.

That meeting ordeaned, that betuixt that time and July nixt, they should either make residence, or demitt their place to others who should do the same.

Then came in his Majesties desire, that untill the time that Papists were repressed, and jarres removed out of the Kirk, a constant Moderatour might be appointed for everie Presbitrie, because in the changing of the Moderator the diligence of executing the process failed, because the new Moderator was unacquainted with the former proceedings. It was answered in the privie conference, that all the presbitries and everie brother thereof should know the estate and proceedings of matters, and so might be able to put matters in execution, and much more the fittest to be chosen to the purpose, according to the nature and estate of the affaires in hand.

Mr Patrick Galloway proponed 3 difficulties. 1. The prejudging of the Presbitries in their free election, who did best know the qualities of their members. 2. The tyrranizing of such a Moderatour over his brethren, and usurpation of jurisdiction and authoritie over them. 3. The prejudice of the General Assembly in the free nomination of Commissioners for everie Presbitrie, seeing by all appearance there was no other thing meant but to make a General Assembly consist of Bishops and Moderatours of Presbitries.

For removing of these difficulties, it was provided, that the Moderator should be answerable to the Synod for all his overlookts and offences, and removeable be them after a lawfull tryall; and the worthiest of the Presbitrie preferred to his place.

That everie Presbitrie should have free election of two or three Commissioners to everie Assembly; and that it should be in their option to make choise of the Moderator or not; alwise all the Moderators are appointed to be present at everie Assembly.

These cautions being sett down, and the articles fullie aggried upon in the privie conference, it pass in open Assemblie, and agreed upon, that he who before was named the Agent, should be this constant Moderator. Two were non liquet; 4 refused to vote as wanting commission; 125 Ministers agreed.

Laft, There was an admonition and exhortation given to all the brethren, to entertean alwife charity and love among themselves, and to bewar to ſpeak any thing unadvifedly againſt his Maſteſty.

The great Commiſſioner the Erle of Dunbar thanked the Convention in his Maſteſties name, deſired the whole brethren to thank him, ſeeing they had found all things to their contentment, and pray for him; and to make it knoun to their brethren and people, ſo ſoon as they came home, what good was done att that Convention.

The Erles of Caſſils and Eglintown thinking all things well done, deſired a copie of all things concluded before their departure. It was alledged that could not instantlie be done. They promiſed with all diligence to go to Edinburgh and there cauſe putt in print all things concluded att that meeting, that all men might know them. C.]

Sefſio 3<sup>a</sup> 12 Decembris.

In lyke maner the Conference finding that nothing mair weakened the credit and ſtrength of the Miniſterie and diſcipline of the Kirk againſt Papifts, nor mair emboldned the adverſares to goe fordward in their erronious courſe, than the appearances of diviſion in the Miniſtrie among themſelves, and the alienation quhilk ſeemeth to be of his Maſteſties mynd from ſome of them: Therefor, the removeing of all eyelyſts and ſhew of diviſion and alienation of mynds, either among the Miniſters themſelves, or of his Maſteſties good affection and favour from any of them, was thocht ane ſoveraigne remedie for the effectual ſuppreſſing of Papiftrie. And having ſearched and found out the cauſe of the diſtraction and alienation of mynds forfaids in the Miniſtrie, to be partlie a feare that ſome of their brether was of purpoſe and vpon courſe to ſubvert the libertie and diſcipline of the Kirk of Scotland, by removing their Seſſiouns, Preſbytries, Provinciall and Generall Affemblies, or by vſurping in thair awin perſons ſome ſick tyrranous and vnlawfull iuriſdiction as is no wayes lawfull, neither to be tolerated in a truelie Chriſtian reformed Kirk, and to ſhake off that obedience to all good ordour and comelines, eſtabliſhed or to be eſtabliſhed by the laufull affemblies with his Maſteſties conſent; and partlie a greife that ſome of the brether were baniſhed foorth of his Maſteſties dominions, and vthers diſeaſed be long warding and relegation from their habitations and charges: And

finding lykewayes be the declaration of his Majesties commiffioners, and fick as were privie to his Majesties mynd, that his Hienes was no less grieved with divers formes and actions of some of the Ministrie, for not haveand due regard and care to vse fick course in their actions and administratioun in the Kirk affaires, as might serve to intertain a solid peace and quyetnes betweene his Majestie and them, as lykewayes mutuallie amang themselves; and in speciall, that the charge of that government was oftentimes and almost ordinarlie committed to fick as, for lake of wifdome and experience, was no wayes able to keip their estate in any good frame or quyetnes, quhervnto his Majestie imputed the chiefest cause of all the greifes and troubles quhilk had fallen out this lang tyme amangst the Ministrie themselves, or any offence given be any of them to his Majestie; and that his Majestie could not be satisfied quhill this inconvenient were first removed, and a faithfull remedie provyded, that heirafter the lyke sould not fall out, quhilk his Majestie summarlie comprehended in this, if the affaires of the Kirk sould be administrat be the wysest and most godlie; wheranent also his Majesties speciall overture as heirafter followes, was proponed.

It is his Majesties advyse to this Assemblie, and pleasure, that presentlie ther be nominat in everie Presbyterie ane of the most godlie and most grave, of greatest authoritie and experience, and meitest for government, to haue the moderation of his Presbyterie quhere he remaines, till the present sturres and fyre of diffention qwhilk is amangs the Ministrie, to the great prejudice of the authoritie and credit [of the same,] and the hinderance of the Gospell, and his Majesties high offence, be quenshed and taken away; and the noblemen and others professing Papistrie within this kingdome [be either reduced to the true profession and obedience of the Gospell, or ellis] so represt by justice and execution of lawes, or be the labours of the Ministrie and discipline of the Kirk, that they be not able to hinder the course of the Gospell, or strenthen and encourage the credit and power [of false religion, and that the chiefest burthen of delation of the said Papists, and solistation for justice and execution] of laws against them be committed unto the saids Moderators, and that the Bishops in the Presbyteries quher they are resident in ane of the kirks of the Bishopric, have this care and burden committed vnto them; and seeing that it will credible fall out that in the Presbyteries, through the greatnes of parties and the langsumnes and difficultie of proceffe, the saids Moderators will sometymes be constrained to referre the doing heirof to the Provinciaall Assemblie and the Moderators

therof: It is therfor his Majesties advyse and pleasure that the moderation of the Provinciall Assemblies, and perfewing of actions of greatest difficultie be committed vnto the Bishop makand lawfull residence within the said province, or to the worthiest of them quhen it fall happen moe than ane to be in ane province, in respect that his Majestie hes bestowed vpon them moyane and places, quherby they may be able to beare out the charges and burdein of difficile and dangerous actions quhilk other ministers were not able to sustane, and lykewyes, by their credit and place in counsell, are able in sick causes, to procure greater celeritie and execution of justice as in sick cases will be requisite, than vthers.

The Conference having advysed, first, anent the taking away of the forsaids feirs and suspitions, and satisfactioun of the griefes, and willing to vnderstand of his Majesties Commissioners, and sick as latelie had been acquainted with his Majesties intentions, and willing lykewise to heare the declaration of the Bishops heiranent as touching their awin intentions and purposes in this errand: It was declareit, that it was not in any wayes his Majesties purpose and intention to subvert and overthrow the present discipline of the Kirk of Scotland, but rather to augment and strenthen the samen so farre as it could serve for the well of the Gospell and the restraint of vyce, and to sie sick eyelifts and offences as in the administration therof was the occasion of just discontentment vnto his Majestie, and a hinderance to the credit and authoritie of the ministrie [among the people, and amongst the Ministry] themselves, removed and tane away be sick good overtures as is above expressed.

In signe quherof, as ther is nothing done in derogation of the halding of the Sessions, the Presbyteries and Provinciall Assemblies, so it was never his Majesties intention, but that the keiping of Generall Assemblies at certaine competent tymes was, and is a most necessarie mean for the preservation of peace and vnion in the Kirk, and extermination of all heresie and schisme in the same: Therfor his Majestie doeth graciousslie declare, that as the Acts of Parliament doeth still stand in full force and effect for the conveining of Assemblies anes everie geir by his Majesties direction, so it is his Majesties will that the day of conveining the next Assembly salbe at Edinburgh the last Tuesday of July.

Siolyke, the haill Bishops declarit that it was not their intention to vsurpe and exerce any tyrannous and vnlawfull jurisdiction and power over the brethren, nor to ingyre themselves any wayes vnlawfullie in the Kirks

government, or any part therof, farder nor fall be committed to them be the Presbyteries, Provinciall or Generall Assemblies ; and if it should happen to fall out that they, or any of them, should be found to doe the contrair, then, and in that case, they were content to submit themselves vnto the censure of the Kirk als humble as any other of the brether of the ministrie.

In lykemaner, it was declared that his Majestie, according to his accustomed longanimitie and patience towards sick as happened to offend him of the ministrie, had delayed for a verie lang tyme to give forth any sentence against the brether now banished, still hoping that by their good behaviour and humble sute for his Hienes pardon and favour, his Majestie might have occasion to shew his clemencie towards them ; and albeit his Majestie beand justlie provoked, was moved to give forth his will anent their banishment, get immediatlie, being requested in their favours be the Bishops and other brethren there present with them, it pleased his Majestie to declare, that their want of his favour proceedit upon their awin default, quho had never humbled themselves to seek his pardon as became them.

In respect quherof it was thought meit to direct the Bishop of Aberdeen, Mrs Patrick Sharp, Patrick Gallaway, Robert Wilkie, John Struchane, John Hall, John Hay, with the Moderator of the Assemblie, to write a letter to the said brether in their name, [givand them advyce so to frame and send their humble] sute to his Majestie for his pardon and favour to them as may give his Majestie greatest satisfiactioun, and that the Assemblie earnestlie requested his Majesties Commissioners and vthers Noblemen employed be his Majestie to this Assemblie, so soone as their said supplication should come from them of the tenor forsaid, to concurre be their credit and intercession with his Majestie, to procure them to be partakers of that gracious favour quhilk his Majestie at no tyme heirtsoir refused to any of that profession quhom he fand willing to acknowledge and amend their oversight, and have recourse to his clemencie ; for the quhilk declaration the Conference praised God, and thought good that the brethren should be written to as is befor said, and be the brethrin befor named.

Thereafter, having considered the overture proponed to them in his Majesties name, and finding it in shew, to carie some appeirance of novation in the discipline of the Kirk, and fearing that it might bring with it some inconvenients : Therfor the Conference wold not take on them to determine their advyce theranent, quhill first the mater were exactlie



reasoned in their presence, and sufficient remeid provyded for preventing all inconvenients [which] might [be feared to] follow thereupon : Whereupon a good number of the most learned, godlie, and wifest of the brethren of the Conference, being appointed to reason and heare one after another ; and having exactly and at good length reasoned and examined quhatsumever inconvenients might follow upon the establisshing of the said overture, it was considered and found at last be one vniversall voyce and consent of the whole Conference, but contradiction, that the said overture was both wise and godlie, and tending many wayes to the well of the Kirk : Provydeing that certaine cautions were observed for preventing such evils as might happen to fall out in case the said Moderators, or any of them, [should] either arrogantlie presume to vsurpe any farder power in the saids Presbyteries and Assemblies than it is comelie and lawfull for Moderators in sick causes to doe, and presently use, without innovating and altering at their owne fantassies, and at their owne hands, the custome that the discreit Moderators have vsed and aught to vse in that place, or utherwayes be found remisse in proponeing or prosecuting any good purpose or overtures quhilk could be given in be the brethren or any of them to the saids Presbyteries and Assemblies : and according to the doubts quhilk in reasoning were found out and feared, the cautions following were aggried upon :

1. That it be provyded that the Moderators of Presbyteries and Provinciaill Assemblies to be nominat and chosen according to his Majesties overtures, fall presume to doe nothing in the Presbyteries and Provinciaill Assemblies where they moderate, without the speciall advyse and consent of thair brethren.

2. That the acts of the Generall Assemblies and caveats therein prescrybed anent Bishops be observed.

3. That they fall vse no iurisdiction or power farder than the Moderators of Presbyteries and Provinciaill Assemblies has bein in use of, be the constitutions of the Kirk befoir.

4. In case it fall happen the Moderators of Presbyteries or Provinciaill Assemblies to be absent the time of thair convention, then it fall be in the power of the saids Provinciaills and Presbyteries, to nominate and choose out the wifest and gravest of their brether, to moderate their meittings in absence of the saids Moderators.

5. Quhen the place of the Moderator in any Presbyterie fall happen to vaike, the election of another to succeed in his rowme, fall be made be the

whole Provinciall Affemblie, with consent of his Majesties Commiffioners, if any happen to be there present for the tyme.

6. And quhen any of the saids Moderators fall happen to depart this life betuixt Affemblies, it fall be lawfull to the Presbyteries to nominat ane of the gravest and worthiest of their number to continue in the Moderation of the Presbyterie quhill the nixt Provinciall Affemblie.

7. The Moderators of the Presbyteries fall be subiect to the tryall and censure of the Provincials; and in case it fall happen that they be found to have been remisse in the discharge of their duetie, or [to have presumed] to vsurpe over their brethren any farder power than is given them be the Affemblie, it fall be ane cause to them of deprivation from their office of Moderation, and they fall be deprieved therefra be the saids Provincials.

8. In lykemaner, the Moderator of the Provinciall Affemblie fall be tryed and censured be the Generall Affemblie; and if he be found there, or to have been remisse from his office of Moderation, or to have vsurped any farder power nor the simple place of ane Moderator, he fall be deprieved fra his said office of Moderation be the Generall Affemblie.

9. That the Moderator of ilk Presbyterie and Provinciall Affemblie, with their Scribes, being chosen, faithfull, wise, and formall men, be astrictit to be present at all Generall Affemblies as members therof, and to have the Register of the acts and proceeding of the Presbyteries and Provincials there present with them, that their fidelitie and diligence may be sein be the Generall Affemblie, and the estate of the countrey therby knawen.

10. That it fall be leifum to ilk Presbyterie to send Commiffioners to the Generall Affemblie, by and attour the Moderator and Scribe, two or thrie, according to the act of the General Affemblie anent the Commiffioners from Presbitries to General Affemblies, if they fall think it expedient.

11. That it is heirby declared, that notwithstanding of any thing done at this tyme, the Sessions, Presbyteries, Provinciall and Generall Affemblies, are to be observed, keiped, and obeyed as they have bein heirtofair.

12. That the Moderator of the Generall Affemblie be chosen be vote of the said Affemblie, certaine leits being first nominat and proponed frielie, as vse hes bein in tymes bypast.

13. That in everie Provinciall Affemblie quher there is no Bishop mak- and actuallie lawfull residence, and haveand the Moderation of ane of the

Presbyteries, the Moderators of the Presbyteries within the said Province beand proponed on leitt, the meitest of them fall be chosen be the said Affemblie Moderator thereof, his Majesties Commiſſioners consent there present beand had therto.

And farder, the Conference having examined the rolls of ilk Presbyterie, to lie if any was meiter to vse the office of moderation than these quhilk befor hes bein nominat to have the care of the delation of Papists and vncommunicants, they fand in their judgement, that the same persons was of all vthers, in everie Presbyterie, meitest alsweill to moderat as to haue care of delation forsaïd ; reserveand alwayes vnto the Ministers of ilk Presbyterie here conveinit, their awne priviledge and power, to nominat vnto the Affemblie a meiter, if any be in the Presbyterie, for the moderation : And therefore the said Conference finds it expedient, that the persons forsaids accept and take vpon them presentlie the said office of moderation within the Presbyteries respectivé, and that the Presbyteries embrace and allow of them ; and for this effect, that the saids Moderators and Presbyteries be requesited thervnto earnestlie be this Affemblie, and if neid beis, lykewayis charged, that the Kirk of God be not long frustrat of the comfortable effects that the forsaïd ordour is able shortlie, be the grace of God, to produce.

This overture beand proponed and declared at lenth in presence of the full Affemblie, everie article and heid therof was with ane vniform consent and allowance approved of all, without contradiction, except only so farre as concerned the Moderators in moderating of Presbyteries, and their continuance in the office of the Moderation beyond the accustomed tyme, quheranent certaine doubts beand proponit and satisfied, and the Bishops haveand given their declaration foorth of their awne mouthes anent their intentions and purpose, to be subiect unto the acts and caveats of the Generall Affemblie, and to make residence within such a space as sould be limited to everie ane of them be this present Affemblie ; and if it sould be found expedient for the well of the Kirk, that other meiter and more worthie than they to possesse and occupie their places, to demitt their benefices at the pleasure of the Affemblie ; his Majesties consent [and approbatione] beand had thereto, wherein they promised, and if neid were, to be earnest suiters at his Majesties hands. Lykeas some of them declared, that they had alreadie most humblie craved the same of his Majestie for the respect they had to take away all offence from their brethren, provyding

alwayes if aither, vpon his Majesties advyse or propolition to the Affemblie, or their awne supplication, the Generall Affemblie be moved heirafter, to grant them any relaxation of any of the caveats, quhilk vpon good reason might appeare to the said Affemblie to be over strait, that this their promise fall make no derogation to the libertie quhilk the Affemblie heirafter fall be moved to grant them.

It was voted, and be pluralitie of votes concluded, to witt, his Majesties Commiffioners, whole Nobilitie, Erles, and Barrons, to the number of threttie-three, together with ane hundreth twentie and saxe of the Ministrie votting affirmativé, that the said overture anent the continuance of the Moderators quhill the present diviſion of the kirk be removed, and the whole brethren brocht to that unitie of mynd and affection quhilk is agreeable to their calling, and may ſerve beſt to the furtherance of the cauſe of God, and overthrow of all contrarie cauſe, and the Papifts als fullie repreſt or brocht to the obedience of the Goſpell, ſould paſſe and be enacted as ane of the concluſions of this Affemblie; the forſaids caveats beand alwayes keiped be everie ane of the ſaids Moderators, and the contraveiners cenſured and puniſhed as is befor expreſſed; foure only of the whole Affemblie be their votes diſaſſenting therfra, and vther foure reſuſing to vote for want of commiſſion fra their preſbyteries, and twa beand non liquet.

Extract foorth of the Book of the Aëts of the Affemblie at Lynlithgow,  
and ſubſcryvit be the Moderator and Scrybe thereof.

Sic Subſcribitur,

James Nicolfone, Moderator.

Maſter Hendrie Philp, Scrybe.

#### THE NAMES OF THE MODERATORS OF PRESBYTERIES.

ŒETLAND. Mr James Pitcairne.

ORKNAY. The Biſhop of Orknay, in his abſence Thomas Swintone, vpon his expenſes.

CAITHNES. The Biſhop of Caithnes, and in his abſence Mr Samuel Bruce, vpon the Biſhops expenſes.

**TAINED.** Mr Johne Ros.

**ARDMANNATH.** Mr George Monro, to be payed by the Bishop  
of Ros quhill he be resident ther himselfe.

**INNERNES.** Mr James Bifchop.

**FORRES.** Mr James Dundas.

**ELGIN.** The Bishop of Murray.

**DUMBENNAN.** Mr Robert Hay, and failzeing of him Mr George  
Chalmers.

**CULLEN.** Mr George Douglas.

**BAMFF.** Mr George Hay.

**DEIR.** Mr Abraham Sibbald.

**ELLONE.** Mr John Reid.

**GARIOCH.** Mr Robert Burnett.

**AUFURD.** Mr Alexander Guthrie.

**KINKARDIN ONEILL.** Mr John Strauchane.

**ABERDEIN.** The Bishop of Aberdein.

**MERNES.** Mr Andro Ramsay.

**BRECHIN.** Mr Dugall Campbell.

**ABERBROTHOK.** Mr Arthur Futhie.

**DUNDIE.** Mr John Ramsay.

MEGLE. Mr James Nicolfone.

PERTH. Mr Alex. Lindefay.

DUNKELD. Mr William Glafs.

COUPER. Mr William Scot, and till his return Mr Johne Cald-  
cleuch.

SANCT ANDROIS. The Bishop of Sanct Andrews, and in his  
abfence Mr Robert Wilkie, to be payit be the Bifhop.

KIRKADIE. Mr John Michelfone.

DUNFERMLING. Mr John Fairfull.

AUCHTERARDOUR. Mr John Davidfone.

STRIVILING. Mr Patrick Simfone.

LYNLITHGOW. Mr Robert Cornwall.

EDINBURGH. Mr John Hall.

DALKEITH. Mr George Ramsay.

HADDINGTON. Mr James Carmichaell.

DUNBAR. Mr Edward Hepburne.

CHIRNESYDE. Mr John Clappertoun.

DUNCE. Mr David Hoome.

MELROS. Mr John Knox.

KELSO. Mr James Knox.

JEDBURT. Mr John Abernethie.

TWIDAILL. Mr James Logane.

LANERICK. Mr William Birnie.

HAMILTOUN. Mr Robert Dalkeith.

GLASGOW. The Bishop of Glasgow, and in his absence Mr Patrick Sharp.

PAISLAY. Mr John Hay.

DUMBARTON. Mr John Blackburne, and quhill he make residence, Mr William Stewart.

AIR. Mr John Inglis.

IRWING. Mr Alexander Scrimgeor.

DUMFRIES. Mr Thomas Ramsay.

KIRKUDBRIGHT. The Bishop of Galloway, and in his absence, Mr Robert Glandynning.

WIGTOUN. Mr James Adamfone.

ARGYLE. The Bishop of Argyle.

ISLES. Mr Robert Steuart in absence of the Bishop, and on his expenses.

Extract.

James Nicolfone, Moderator.  
Maister Hendrie Philp, Scribe.

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Followeth the tenour of Letters of Charge to Presbyteries to accept  
constant Moderatours.

James by the grace of God &c. For as much as at the General Assemblie of the Kirk kept at our Burgh of Linlithgow, in the month of December last, and assisted be a very frequent number of the Nobility, Counsell, and Barons of the Kingdome, it was thought very meet and expedient, and in end concluded, and agreed with uniform consent of the Assemblie, that for the well of the Kirk, and staying of the growth and number of Papists in this our Kingdome, there should be a constant Moderator for a certain space nominated in every Presbytrie, who should have the charge to inform the Lords of our Secret Counsell of all Papists and recusants in their bounds, and to sute the execution of our laws against them, as in that Act made thereupon at length is contained: Which being seen, and considered be us, we have not only allowed and approved the same, and interponed our authority thereto; but have recommended to our Counsell, that they have a special care and regard to see the same receive due obedience and execution; likeas . . . . . was nominated and appointed Moderator of the Presbytrie of . . . . . And albeit it was hoped that this godlie and necessar conclusion, importing so highly the well of the Kirk, should have been with all thankfulness received and embraced be the Presbyteries of this our kingdome: nevertheless the Ministers of the Presbyteries of . . . . . for what cause we know not, refuse, at least delay to receive the said Moderator, and conforme themselves to the ordinance and conclusion foresaid, the continuance whereof will altogether make the same ineffectual, without remeed be provided. Our will is herefor, and we charge you straitly and command, that incontinent these our Letters seen, ye pass, and in our name and authority command and charge . . . . . all Ministers of the Presbytrie of . . . . . and their Clerk of the said Presbytrie, to conform themselves to the ordinance and conclusion of the said Assemblie, and to receive their said Moderator, and to acknowledge him in all things dew to the priviledge of that office, without excuse or delay, within 24 hours next after they be charged be you thereto, under the pain of rebellion, and putting of them to our horn; and if they fail therein, the said space being bypast, that ye incontinent thereafter denounce the disobeyers our rebels, and put them to



our horn, and escheat and inbring all their movable goods to our use for their contemption. The which to doe we committ to you conjunctly and severally our full power be these our Letters, delivering them be you dewly executed, and indorfed again to the bearer.

Givin under our Signet at Edinburgh the vi day of January,  
and of our reigne the 44 year 1607.

Per actum Secreti Confilij. James Primrose.

. . . . .

Proclamation for proroguing the General Affembly indicted at Linlithgow to be holden at Halyrudhous the last Tuedday of Julie.

James be the grace of God, King of Great Britain, France, &c.: For as much as the increafe of the adversaries of the truth, and contrarie professours, has proceeded of nothing so much as of the diffention of the Ministrie of our kingdome of Scotland, some of them by natural inclination being enemyes of quietness, and turbulent spirits, making choice rather to drink in mudie water, than to taste of the clear fountain, being emboldened be reason of the societie of a great many others who being guiltie of themselves, of their own unworthieness, and small gifts in that respect, out of all hope of preferrment, and therupon envayous, and uncharitable toward their brethren of the best quality; and all of them runne and concur together like a headstrong faction to uphold and maintain an anarchie, and thereby to induce disorder and confusion in that Church, to the great hindrance of the progres of the Gospel, and dishonour and scandal of the professours thereof: Whereupon we of our princely care and fatherly affection to the peace of the Kirk, desiring rather in them to extinguish the fire of division, than to suffer it to grow to any confusion, and being ever willing to an uniformity of minds and affections, did thereupon appoint a most grave, frequent and serious Affembly, to be kept at Linlithgow in December last bypast, of a great number of the most godlie, zealous and well affected of the Nobility, Counsel, and small Barons, from all the parts of that our kingdome, as also the most learned and experienced, wise, godlie, and discreet of the Ministrie, from all the Presbyteries in great number, by whose travels, care, and wisdom, every occasion and pretext of grieve was in such moderation and godliness removed, that as the same did yield us contentment, so was every

thing done in that Assemblie with a great and general applause of all, giving great hopes, that from that furth there should be nothing found but unitie and concord in the Kirk, and that all their meetings thereafter should be full of peace and love; and thereupon, be our special warrant and allowance, it was specially appointed, that the nixt General Assemblie should be convene and holden at Halvudhous, the last Tuesday of July nixt to come: But we now perceiving, that, by the means of these evil disposed, turbulent, and contentious spirits, all the proceedings of that Assemblie are brought in question, and traduced; and by some no obedience given, and by others direct opposition made to the Acts concluded at that time, and therewith among the brethren such distraction of minds, and bitter exasperations one against another; and howsoever the meeting of the brethren, if it were in love and peace and unity, no doubt would be good in that Kirk; so there is no question, but their convening with a preoccupied mind fraught with envy and malice, would give the enemys too much advantage to enter by that breach of their discord and division, to make themselves strong, and weaken them: Therefor, we, to preveen the danger that is imminent to the estate of the Kirk by the distraction of mens affections therein; and that the General Assemblie may be kept with the greater tranquillity and peace, have thought meet and expedient, the whole Provincial Assemblies, within that our kingdom, shall be kept and holden at their ordinary places of meeting the 4 of August next to come; and that in every one of the saids Assemblies there be chosen two of the most godlie, peaceable, wise, and grave, of the best experience of their number, with power and commission to convene at Halvudhous, the 27 of August next to come, with the remanent Commissioners of the Provinces, and with the Commissioners of the General Assembly, and such of our Counsel as it shall please us to nominate for that effect, there to confer, reason, and conclude, by common advice, upon the most convenient remedies against these evils, which, for lack of sufficient preparation, might fall out at the said General Assembly, that thereafter the same being holden and kept in such a quiet and peaceable manner as might bring true comfort to the godlie, and terrour to the wicked: And, in the mean time, we have thought expedient, that the General Assemblie, which was to be holden, be prorogued to the 24 of November nixt to come; and that no person presume to keep the said Assemblie in any place whatsoever, untill the time that the Commissioners from the Synods first proceed in their meet-

ing ; and we have appointed the place of keeping the said General Assemblie to be in Dundie the day foresaid. Our will is herefor, and we charge you straitly and command, that incontinent thir our letters seen ye pass, and, in our name and authority, make publication and intimation hereof be open Proclamation &c. Certifying all such as upon any pretext whatsoever shall presume to convene and assemble themselves, contrare to the tenor and intent of this our Proclamation, they shall be punished and proceeded against, as contemnners and disobeyers of this our most royal commandment.

Given under our Signet at our Court of Greenwich the 24 of May, and of our Reigne the 45 years.

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#### Proclamation by the King, for proroguing the General Assemblie.

James be the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites, &c. For as much as the General Assemblie being appointed to be kept in the month of November next to come, at our Burgh of Dundie ; and upon a speciall regard to the well of that Church, for the preventing of all disorder and confusion in that meeting, which ought to be a president, and should give good example to all others of good order, discretion, and dutiful carriage, we having ordained a meeting of some Commissioners from every Synod in September last, to the effect all things may be so duetifully prepared as the adversaries of the Religion should not take any advantage of the contentions amongst the Brethren at their meeting : But so perverse is the disposition of some, who doe account nothing for oracles, but the invention of their own brain, that disdaining the course concluded be us, and by all apparent directly opposing themselves to the peace of that Church, by absenting themselves, or withstanding the sending of Commissioners to the foresaid meeting, which was appointed in September last, as said is, doe clearlie thereby demonstrat their unquiet and unrulie inclination, as too manifestly appears in this their insolent and wilfull misregarding of these Acts of the Assemblie at Linlithgow made with so uniform an applause : but whereas this was more than sufficient cause to have stayed the meeting of the said Assemblie, which, without this preceeding preparation, must needs be tumultuous and disorderly ; so in like manner, Gods present visitation of our said Burgh of

Dundie be the Plague, inforceth the prorogation of the said Affemblie to some other time. As also whereas the last Affemblie kept in our presence, before our comeing out of that Kingdome, special Commiffion was given for vifitation, the reports whereof are the only special things to be treated on in this Affemblie; yet so great has been the neglect of them who were appointed to goe every one in Circuit within the bounds of their vifitation designed, that hitherto the same hath been pretermitted. To the effect, therefor, that in this point the conveening of the said Affemblie should not be ineffectual, we have, by our special Letters, willed these Commiffioners then appointed every one to have care in reporting against the time of the Affemblie hereunder mentioned, their several reports of their travels and tryels in their vifitation; having also nominated others in place of such of the said Commiffioners as since that time are either defeased, exiled, or confined. Our will is, herefore, ye pafs, and in our name and authority make publication and intimation be open Proclamation, at the Mercat Croffes of our Burghs of Edinburgh, Perth, Dundie, and other places needful, that the General Affemblie is continued and prorogued to the last Tuesday of Aprile next to come, at which time it is to be kept within our said Burgh of Dundie, and betwixt and then it may be hoped that it may please God of his mercie to remove the said plague of pestilence. And in this mean space all Clergiemen whatsoever of whatsoever rank or degree are discharged heerby; like as that ye in our name and authority discharge them of all conveening in anie form of pretended Affemblie at our said Burgh of Dundie, or any part ells, the said 24 day of November next, or any day thereafter before the said last Tuesday of Aprile, under the pain of incurring our high displeasure; and the contempt of the same to be punished in most severe manner and highest degree. The which to doe &c. Be these our Letters given at our Court of Royftoun, the 18 day of October, and of our Reigne the &c. Per Regem.

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Proclamation by the King for again proroguing the General Affemblie.

James by the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites, &c. our Sheriffs in that part conjunctly and severally, specially constituted, Greeting.

For as much as the General Assembly of the Kirk having, upon many

necessary confiderations, received fundrie continuations heretofore be our special command and direction, we, of our princely care, and fatherly favour, and affection to the peace and well of this Kirk, having left no good means unallayed to extinguish the fire of division standing amongst the brethren, and to bring them to an uniformity of minds, and harmonie, and charity, and they themselves made the more able and strong to oppose themselves against the adversaries of the truth, and contrarie professours, whose increasing number and practises hath proceeded of nothing so much as the diffention amongst the Ministrie: and the last prorogation and continuation having proceeded upon a godlie course and resolution intended by us be directing of the Commissioners nominated be the General Assemblie with our consent, to have visited the whole Presbyteries and particular congregations within this our kingdome; the said visitations, in respect of the long and great storm, and unseasonable time of the year, have received no effect nor execution. And we considering how that it is most necessar and expedient, that this visitation should yet preceed the said Assemblie; and we being minded, if the necessity of other weightie affairs impesche us not, to honour this our native country with our own presence this year, and to be present ourself at the said Assemblie, and be our royal authority settle the present jarres and differences in the Kirk, and establish the same in a perfect unity, love, and harmony: Therefor, we have thought meet yet to proroguat and continue the said Assemblie untill the last Tuesday of July nixt to come, upon which day, God willing, it shall begin and hold at our Burgh of Dundie. Our will is heresfor, and we charge you straitly and command, that incontinent these our Letters seen ye pass to the Mercat Crosse of our Burgh of Edinburgh, and other places needfull, and there be open Proclamation make publication hereof, wherethrough none pretend ignorance of the same; and that ye in our name and authority command and charge all and fundrie our subjects of the Ministrie, that none of them presume nor take in hand to hold or keep a General Assemblie at any time or place before the said last Tuesday of July nixt to come, under all highest pain and charge that they may committ, and . . . against us in that behalf. The which to doe we committ to you, &c. deuly executed, and indorsed again to the bearer.

Given at our Court at Whitehall, the 24 of December, and of our Reigne the 5, and 41 years 1607.

Per Regem.

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Articles agreed upon be the Brethren convened at Falkland the 16 of June 1608, and be way of advice recommended to all the Presbyteries within the kingdom.

1. That the questions presently standing in controverſie among the Miniſters anent the matters of government, be untouched and unhandled on either ſide, till the nixt General Aſſembly, and no occaſion given, be privat or publiſt ſpeeches, of any farther diſtraction of minds; but that all by good countenance and otherwiſe kythe themſelves to others, as Brethren, and Miniſters of Chriſt, ſetting themſelves with their endeavours, ſpecialy in doctrine, againſt Papiſts, their ſuperſtitious religion, and proud pernicious practiſes.

2. That the General Aſſembly hold at the time appointed, which is the laſt Tueſday of July; and that his Maſteſtie be moſt humble intreated for that effect.

3. That in the ſaid Aſſembly the commoun affairs of the Kirk ſhall be handled, and an account of the Commiſſions given in the Aſſembly preceeding; and ſome ſolid courſe adviſed upon, for diſappointing the practiſes of the enemys, and the advancing of the Goſpel of Jeſus Chriſt.

4. That nothing which is in controverſie and make ſtrife in the Kirk, be treated in the ſaid Aſſembly; but the ſame be conferred upon in a private conference, be ſuch as the Aſſembly ſhall appoint to prepare a way for compoſeing theſe differences; and the Aſſembly to appoint a meeting of brethren at ſuch times, place, and manner, as they think fit for that effect.

5. That requeſt ſhall be made to his Maſteſtie, for relaxing the brethren that are confined; and ſpeciallie ſuch of them as have been preſent at the Conference, that they may keip the ſaid Aſſembly.

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A. D. M.DC.VIII.

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THE General Affemblic of the Commiffioners from the Prefbitries of the Kirk of Scotland, baldin at Lynlithgow, the 26 of Julij 1608 : In the quhilk were prefent the Kings Commiffioner, viz. the Earle of Dumbar, &c.

Seffio 1<sup>a</sup> 26 Julij.

Exhortatioun being made be Mr Patrick Galloway, Moderatour of the laft Affemblic, the brethren, after the accuftomed maner, proceedit to the electioun of the Moderatour of this prefent Affemblic. The leits being nominat, Mrs Patrick Sharp, James Law, Bifchop of Orknay, John Michelfoune, Patrick Lindfay, John Hall, and Patrick Simfone ; be pluralitie of votis, Mr James Law, Bifchop of Orknay, was chofen Moderatour hac vice.

The Affeffours appointit to conveine with the Moderatour in the Privie Conference for treating of fuch things as are to be concludit in the Affemblic, are thefe : The Erles of Dumbar, Wigtoun, and Lawthian, with the Colleftour Generall, his Majefties Commiffioners, the Erles of Glencarne and Kinghorne, the Lords Grahame, Lindfay, Lowdoun, Blantyre, Halierudehous, the Lairds of Balmanie, Kinnaird, Kilfythe, Carnell, the Bifchop of Caithnes, Mr William Dowglas, the Bifchop of Aberdein, Mr George Hay, the Bifchop of Brechin, Mr Andro Leich, Mr Patrick Lindfay, Bifchop of Sanct Androes, Mr John Michelfone, Mr Patrick Simfone, Bifchop of Dunkeld, Bifchop of Dumblaine, Mr William Cowper, Mr Patrick Galloway, Mr John Hall, Mr David Hume, Mr John Knox, Bifchop of

Glasgow, Mr Patrick Sharp, Bifchop of Galloway, Mr Alexander Scrymgeour, Mr William Hamiltoun, Mr Thomas Ramfay, Bifchop of Argyle.

The houres of meiting are appointit to be, for the Privie Conference aught houres in the morning and twa afternoone; and for the Affemblie nyne houres in the morning and three afternoone.

The brethren appointit for reiding and answering of the bills are Mrs Airthur Futhie, Henrie Philp, John Clappertoun, John Reid, Peter Hewat, Edwart Hepburne, John Hay.

Seffio 2<sup>a</sup> 27 Julij.

Forfameikle as one of the moft fpeciall caufes of the conventioun of this prefent Affemblie is for fuppreffing of Papiftrie and idolatrie, quhilke daylie more and more increafes within this realme, and repressing of Jefuites, Papifts, Seminarie Priests, whose number ftill more and more increafes within the fame, to the great difhonour of God and overthrow of true religioun profest within this realme, if the fame be not with fome folid remeid obviat in tyme: Therfor, it is thoght expedient be the Affemblie, that befor all vther things, this article concerning Papifts and Papiftrie be firft advyfeit vpon and concludit. And to the effect that the Affemblie may the more folidlie and with the greater light proceed in the faid matter, therfor they have ordainit, that the Commissioners of every Synod, at the ryng of this Seffion, conveyne themfelves feveralie, and make ane roll containing the number of Papifts and the names of them within the bounds of thair Synod: Secondly, The caufes why Papiftrie, idolatrie, and fuperftitioun is come to fo great ane hight within this realme: Thridlie, The remeids for fuppreffing all forts of Papifts and Idolaters within the fame, viz. Papifts already excommunicat, Papifts quho hes fworne and fubfcrvyt to the trueth, and yet refuses to imbrace the famein; and Papifts that in word professes the trueth, but in actioun and in deid contrair the fame: Fourthlie, Quhat forme of proceeding every Synod hes vsit againft the Papifts within thair bounds: Quhilks articles the faid Synods fall put in wryte, and delyver the fame to the Privie Conference at thrie afternoone.

It is lykewayes ordainit, that every Synod fall make a particular roll of the names of fuch as are refettors of Jefuites, traffiqueing Papifts, and Seminarie Preifts within thair bounds, and delyver the fame privilie to the



Erle of Dumbar his Maiesties Commiffioner, to the effect ordour may be takin theranent.

Item, Because the Marqueis of Huntlie hes bein lang vnder proces and cenfure of excommunicatioun befor the Synods of Aberdein and Murray ; and in refpect of his contumacie, and obdurat fuperftitioun of Papiftrie and Idolatrie, they have ordourlie led and deduceit the faid proceffe vnto the finall fentence, the giving foorth and pronouncing quherof hes bein continuit be them from tyme to tyme, vpon hope of his Lordships amendement, and turning from Idolatrie and Papifticall fuperftitioun to the true religioun prefentlie profest within this realme ; and because they find no hope of the fame, but, be the contrair, greater obftinacie : Therfor the haille Affembly in ane voyce decerns and ordaines the fentence of excommunicatioun to be pronuncit againft his Lordship with all poffible diligence, and continues the declaratioun of the place quher the fame falbe done, and be quhom, to the next Affembly.

Sessio 3<sup>a</sup>. Eodem die.

In prefence of the haille Affembly, compeirit Sir Thomas Ker of Hircha, Knight, in name of George Marqueis of Huntlie, and presentit ane fupplication, in name of the faid noble Lord, beand as followes : Because that confcience is the only argument that moveit me this wayes to protract tyme till I have perfytit refolutioun, and being farre from ane opinator, or ane that is givin over to felfe will, as appeirit be my geilding to conference, and, laftlie, be my going to the Kirk, I firft wold have craved, if poffible it might have bein done, that I might have bein heard with my awin mouth, that I might moft heartlie intreate it, that ane tyme might be condifcendit on be your Wifdoms, within the quhilk, as it fall pleafe you to conclude, I offer either to fatisfie the Kirk, or prefently to find furetie vnder great fowmes to avoyd the countrey befor this day to be prefcryved be your Wifdomes. Et fic fubfcribitur, Huntlie. And conforme therto defyrit the fame to be confiderit, and requeifts, in refpect of the offers therein conteinit, the pronouncing of the fentence of excommunicatioun agains his Lordship might be continewit.

Wherewith the haille Affembly being rypelie advyfit, fand the offers conteinit in the faid fupplicatioun to be verie frivolous, and no wayes inclyning

to obedience and satisfactioun; in respect quherof, and for many vther causes and confideratiouns, and in speciall, because his Lordship, be his band, subscrivit with his hand the last day of Junij 1608 zeirs, presentlie producit in face of the Assemblie be the Commissioners of Aberdein, band and obleift himselfe to satisfie the Kirk, be communicating betuixt the dait therof and the 17 day of July last bypast, vtherwayes the Ministrie to proceed with the sentence of excommunicatioun against him, as at mair lenth in the said band is conteinit: Therfor, the haill Assemblie, all in ane voyce, ordaines the sentence of excommunicatioun presentlie to be pronouncit against him be the Moderatour of the Assemblie, in face of the haill Assemblie, but any delay.

Conforme to the quhilk ordinance, Mr James Law, Bischop of Orkney, Moderatour of this present Assemblie, in face therof, in most solemne forme, pronouncit the sentence of excommunication against George Marques of Huntlie.

Quhilk sentence is ordainit to be intimat in all the kirks within this realme, be the Ministrie the nixt Sunday immediatlie after thair returning from this Assemblie; and in speciall, they command and ordaine the brethren of the Synod of Aberdein and Murray to intimate the said sentence in the saids kirks immediatlie after thair returning, and inhibites and most straitlie charges them, and every ane of them, that they receive no offers of satisfactioun from the said Marqueis, but the speciall [advyce] of his Majesty and the Kirk had therto.

The Commissioners appointit in the former Sessioun for giving in the names of Papists, and [the causes of] thair increase, and remeid to obviat the same, producit thair particular rolls, containing the [said heads, which the Assemblie thought good should be revised,] abridgit, and put in order be the Bischop of Glasgow, Mr Patrick Symfone, Mr William Cowper, Mr John Clappertoun, Mr John Hall, and Mr George Hay, to the effect the same might be presentit be them to the Privie Conference the nixt morning, that therafter they may be intreatit in face of the Assemblie.

Sessio 4<sup>a</sup> 28 Julij.

Forfameikle as the brethren of the Presbitrie of Glasgow and Synod of

Cliddisdail, who were appointit to deale and conferre with William Erle of Angus, Lord Dowglas, for bringing of him from blindnes and superstition of Papistrie and Idolatrie to the acknowledging of the trueth presentlie profest within this realme, did testifie in presence of the Assemblie, that they could see no appearance in his Lordship of conversion from his errors, but that rather by all evident tokens he was the more obstinat and obdurate in heresie of Papistrie, quhilk sometyme he abjurit befor, be subscribing of the true religioun presentlie profest within this realme: Therfor, the Generall Assemblie decerns and ordaines the Presbitrie of Glasgow to proceed against the said William Erle of Angus with the censures of the Kirk vnto the finall pronouncing of the sentence of excommunication against him inclusivé, with all possible diligence, and that they pronounce the said sentence of excommunication against him, betuixt and the 18 of September next to come; to quhom the Assemblie comitts thair hail power to that effect, dischargeing and inhibiteing any of them to receive any offers of the said Noble Lord for absolving him of the said sentence, without the advyce of his Majestie and Commissioners of the Assemblie had and obtainit therto.

Forfameikle as the brethren of the Presbitrie of Perth, quho were appointed to deale and conferre with Francis Erle of Erroll, Lord Hay, for bringing of him from blindnes and superstition of Papistrie and Idolatrie to the acknowledging of the trueth presently profest within this realme, did testifie in presence of the Assemblie, that they could see no appearance in his Lordship of conversion from his errors, but that rather be all evident tokens he was the more obstinat and obdurate in his erracie of Papistrie, quhilk he sometyme abjurit before, be subscribing to the true religioun presentlie profest within this realme: Therfor, the Generall Assemblie decerns and ordaines the Presbitrie of Perth to proceed against the said Erle with the censures of the Kirk, vnto the final pronouncing of the sentence of excommunication against him inclusivé, with all possible diligence, and that they pronounce the said sentence against him betuixt and the 18 day of September next to come; to quhom the Assemblie commits thair full power to that effect, dischargeing and inhibiteing any of them to receive any offers from the said Noble Lord for absolving him fra the said sentence, without the advyce of his Majestie and Commissioners of the Assemblie had and obtainit therto.

Forfameikle as be the declaration of [the brethren of] the Presbitrie of Irwing, it was made known to the Affemblie, that after long dealing and conference had be them with the Lord Sempill for bringing him to the acknowledging of the trueth, [and embracing the true and sincere religion] presentlie profest [within this realme,] they could not reape any good fruit of thair labours and travells takin with him, but be the contrair he still continues obflinat and obdurit in his detestabill errour of Papistrie and Idolatrie, to the great hurt and evill example of the rest of the countrey : Therfor, the Generall Affemblie presentlie convenit charges straitlie [and commands] Mr Alexander Scrymgeour, Moderatour of the Presbitrie of Irwing, vnder the paine of infamie and deprivation from his functioun, to pronounce the sentence of excommunicatioun against the said Lord Sempill, in the Kirk of Irvine, vpon the Sunday the 14 day of August nixt to come, after the fermoun, but any [delay or] impediment quhatsumevir : And that the hail brethren of the Ministrie within the bounds of the Synod of Kyle, Carrick, and Cunighame, intimat the sentence of excommunicatioun so pronouncit against the said Lord Sempill, every ane of them at thair awin Paroch Kirks, vpon Sunday nixt and imediatlie following thereafter ; discharging and inhibiteing also the said Moderatour and remanent brethren of the said Synod to receive any offers of satisfactioun from the said Lord Sempill, but advyse of the Kings Majestie and Commiffioners of the Generall Affemblie had and obtainit therto.

Sessio 5<sup>a</sup> Eodem die.

The brethren appointit of befor for reviseing and putting in ordour of the causes of the increafe of Papistrie within this realme, and of the overtures for remeiding and suppressing of the same, gave in the faids causes and remeid therof ; of the quhilk the tenour followes :

The causes of the growth and increafe of Papistrie within this realme are thoght either to arise of the part of the Ministrie, or els of vther causes ariseing from the Ministrie.

First, Thair negligence to sie the gouth in every parochin to be brought vp in the knowledge of the trueth by catechising ; and carelesnes to vrge provisioun for Schooles within thair bounds.

Secondlie, The rash and sudden admissioun of men to the Ministrie

that are not able to withstand and convince the aduerfarie, a dangerous evill in the dayes of apostasie.

Thirdlie, The laike of care in Ministers to marke the offences, viz. to consider the course of the enemie, and to discover and dilate Jesuites and traffiquers against religioun, and vthers pervertit by them.

Fourthlie, The distraction ariseing among the Ministrie, quhill as diversitie of judgements hes drawin them vnadvysedlie to contrarietie of affectiones, breeding carnall contentiouns among themselves.

#### Overtures for remeiding of the causes forsaids.

First, That it be of new inactit, that all Ministers examine young children of the age of fixe zeirs, and try that they have the Lords Prayer, the Articles of Beleife, and the Comandements; in the quhilk thair parents salbe haldin to instruct them befor the saids zeirs, together with some short forme of grace befor and after meate, and some short morning and evening prayer: and agane, that thair growth in knowledge in greater points of religioun be tryed, that afterward it may please God to grant increafe of knowledge at the age of fyftein or saxetein zeirs, they may be admittit to the holie Communioun.

Secondlie, That the Apostles precept be confidderit, Lay hands fud-dainlie on no man: And according to it, that for closing of the doore vpon the affectiones of men, some longer tyme to be prescryvit for admissioun of men to the Ministrie; the exception of rare gifts being reservit to the judgement of the Generall Assemblie.

Thirdlie, That Ministers quho salbe found after tryall to have delayit the executioun of discipline against Papists vpon negligence, that is, either not beginning proceffe, or, if it be begun, not ending the same within halfe ane zeir, fall lose ane zeirs stipend; and those that salbe found to have done it vpon some corrupt favour, salbe simplie deposeit.

Fourthlie, That ther be recomendit to the Ministrie a holie care mutualle to eschew offences, and follow peace and love quhervnto we are callit. The meanes for removing such offences is referrit to the Generall Assemblie.

Causes of the growth of Papistrie as they are conceivit to aryse of vthers.

First, The oversieing of Seminarie Preists and Jesuites to traffique within

the land, for perverting of such as hes not had occasioun to goe out of the countrey, and impunitie of such as hes receivit them ; as also the libertie of evill disposed persons voyde of knowledge, hes takin of the iniurie of tyme, to bring hame the books of apostats and profest Papists.

Secondlie, The preferment of men suspect of religioun to publick offices within this realme.

Thridlie, The favour shewin be these that are in authoritie to traffiquers and excommunicat Papists, after that they had been apprehendit [and wardit,] sikk as the Abbot of Newabbay and vthers Mefs Preists dimittit out of ward, as it is thoght not without reward, and without all warrand of his Majestie, and presentlie tolerate in the countrey without persute, quhilk hes not only wrought a coldnes in religioun in the hearts of many peiple, bot also nourischit a false opinioun of his Majestie, quhilks oppinly bursts out in the mouthes and speaches of many.

Fourthlie, That quher Presbitries are proceeding in the tryall of Mefs sayers and mefs hearers, impediment is made by the Lords of his Majesties Counsell, either by advocatioun befor the Lords, or dispensatioun to such as are excommunicat, or by contramanding the Presbitries to desist vnder the paines of horning ; and that excommunication being producit against any persone befor the Judges, the same is not regairdit, but procelle granted vnto him as if he were a member of the Kirk and not excommunicat.

Fyftlie, The great libertie grantit to the subiects of this kingdome to repaire to such parts, quherin nothing is taught but defectioun from religioun, and treason against lawfull Princes, and no securitie takin for thair constancie ; and in speciall, the sending of Noblemens sonnes by such as are in authoritie, foorth of the land, with such convoy as may delyver them into the hands of Papists to be pervertit in religioun, quhervpon many of them are become apostats.

Last, The want of Preachers in many congregatiouns in this land, so that in ane province thretie ane Kirks are to be found vakand, and in vthers some 17 as in Nithefdaill, and in vthers 28 as in Annerdaill, and sicklyke throughout many vther parts of this land.

#### Overtures for remeiding of the causes forsaids.

First, That a commissioun be granted be his Majestie to the Bischop of every Synod, with such weill affected noblemen and gentlemen as the Com-

missioners of the Generall Assemblie fall nominat, to apprehend traffiqueing Papists, Jesuites, and Seminarie Preists that does haunt within thair bounds, with power to charge the receipters to make patent doores and delyver them vp vnder the paine of treaffoun.

Secondlie, That his Majestie be humblie intreatit, that no Papists or suspect of Papistrie beare charge in Counsell, Sessioun, Governement of Townes, nor vther Publick Offices ; and if ther be any in the estate presentlie quhom his Hienes knowis, in his awin wisdome, to be men evill affectit towards religioun, that his Majestie wald be pleasit to take ordour therwith.

Thridlie, That his Majestie will give ordour for executioun of his Hienes lawis against Papists and traffiquers with all rigour, and that no favour be grantit be any officer of estate without his Majesties privitie, vnder paine of incurring his hie displeasure ; as also, that the Counsell make no impediment by thair letters of horning to discharge the proceiding of Presbitries against the persons forsaids.

Fourthlie, That Papists quho once have bein knowin professours of Papistrie, and for eschewing of civill paines, or hope of preferment, will abjure thair religioun, that his Majestie will please to cause inact, that it fall not be lafull to such to enjoy any office or honour in the Comounwealth, notwithstanding of thair aith and communicating, vntill fyve zeirs probatioun have bein takin of thair constancie and sinceritie in the professioun of the trueth.

Fyftlie, That the Act made at Bruntiland concerning the sons of noblemen and vthers passing vnto other countries be considered and confirmed, quherof the tenour followes :

Item, For eschewing of farther ill quhilk might come to the estate of religioun, be the evill educatioun of the gouth foorth of the countrey, it wald be cravit of his Majestie and Secreit Counsell, that such noblemen and vthers as directs a paedagogue with thair sons foorth of the countrey, that thair paedagogue be knowin godly and of good religioun, learnit and instructit in the same, and approvit in his religioun be the testimoniall of his Presbitrie ; that thair remaining foorth of the countrey be in the places quher the religioun is presentlie profest, or, at the leift, quher ther is no restraint of the same be the crueltie of Inquilitioun ; that dureing the tyme of thair abfence they fall not have any idolatrous exercife of religioun ; and such as hes not the moyen to sustaine a paedagogue with thair sons

foorth of the countrey, that they send them to sick parts quher ther is no restraint of religioun ; and in cace thair sons, after thair departure out of the countrey, haunt these parts quher the [professioun of the] true religioun is restranit, that they find caution not to intertaine them. And in cace any that passies foorth of the countrey imbrace any vther religioun then that quhilk is presentlie profest within this realme, and this to be ane exceptioun agaiñst the service of thair breives, and at the tyme of the admissioun of them to any office or honours ; and in cace any of thair parents contravene any of these premisses, that they incurre such paines as his Majestie and Secret Counsell fall modifie ; and that such as are alreadie out of the countrey either be callit back againe befor ane day to be appointit be his Majestie and Secret Counsell, or els that thair parents be subiect to the lyke conditionis as is befor sett downe, with such vther conditionis to be eikit as his Majestie fall think expedient : And in speciall, for better explanatioun heirof, that at every service of any man as heire to his father or any of his predeceffours, he be not servit be the Shireff or any vther ordinar Judge to burgh or land, but the testimoniall of the Bischop and Moderatour of the Presbitrie quher he dwells, beirand the confession of his faith and integritie of religioun presentlie profest within this realme.

Sextlie, That the sonnes of such noblemen as professes Papistrie be deliverit to the custodie of vthers thair noble friends that are of religioun, to be brocht vp in the knowledge of the trueth.

Sevinthlie, That the searchers of merchandize broght hame from beyond seas, be comandit to sease vpon all bookes broght hame, and present them to be tryit be the Ministrie of the Presbitrie vnto the quhilk they arrive ; and that all bookefellers lykewayes doe the same befor they make opin seale therof, vnder the paine of confiscatioun.

Auchtlie, That excommunicat Papists, speciallie such as be of rank, be apprehendit and put in close ward, and none have accesse vnto them but such as are of religioun presentlie professit.

Nyntlie, That his Majestie give ordour for the downe casting of the Laird of Gichts chappell, the house of John Chein in Effilmonth, quho receipts all Jesuits and Seminarie Preists.

Tentlie, That ordour be takin with the Pilgrimages, viz. the Chappell callit Ordiquhell and the Chappell of Grace, and ane Well in the bounds of Enzie, on the south fyde of Spey.

Elevintlie, That sick persons as are or salbe excommunicat and beares



publick office within this realme, and therafter put to the horne, that they nor thair deputs fall bruik no office nor authoritie vnder his Majestie after thair denunciatioun, but that his Majestie fall appoint vthers in thair rowmes to doe and ministrat justice to his Majesties lieges.

Last, That his Majestie wald take ordour anent the planting of the Kirks that are presentlie destitute of Pastors, and in speciall, anent the Kirks of the Chappell Royall.

Quhilks haill causes of increase of Papistrie within this realme, with the overtures for remeiding therof, the Assemblie hes thocht expedient that the same be direct to his Majestie, with ane humble supplicatioun, requeisting his Hienes to take such ordour theranent, as his Majestie fall think most expedient for repressing of Papistrie, and increase of the trueth and light of the Gospell within this realme: whervnto the Erle of Dumbar, his Majesties Commiffioner, with the remanent of the Nobilitie presentlie conveynit in this Assembly, hes promisit to concurre: And therfor the Assemblie hes nominat, and be thir presents nominats [George Earle of Dumbar,] Erle of Wigtoun, John Archbisshop of Glasgou, Levingstoun of Kilsyth, Mr William Cowper, Minister at Perth, James Nisbit burges of Edinburgh, and Mr William Hart of Prestoun, thair verie laufull Commiffioners, giving them their full power to present the humble supplicatiouns of this present Assemblie to his Majestie, together with the causes of increase of Papistrie, and overtures for remeid therof above rehearfit, desireing them that they wald earnestlie intreat his Majestie to consider of the same; and if his Hienes thocht expedient to cause the same to be put to executioun, and that the rather because that after the last Conventioun haldin at Lynlithgow, quher ther was many good actis and constitutiouns sett downe and concludit, the Papists, nevertheleffe, did most prouddie and contemptuousslie vpbraid diverse of the Ministrie, manassing them that they or the nobilitie conveynit with them at that tyme, durst be bold to conclude any thing that might protend to the prejudice of Papists or Papistrie, as was cleirly vnderstood be the brethren conveynit in this Assemblie.

Sessio 6<sup>a</sup> 29 Julij, Ante meridiem.

The quhilk day the Assemblie thocht expedient, that the Commiffioners above specified, electit and chosin to present the supplicatioun of this present

Assemblie to his Majestie, as is above rehearfit, fall with all commodious diligence repaire to his Majestie, and with all humilitie present the said supplicatioun to his Majestie, and quhat ansuer it fall please his Hienes to give, that they report the same betuixt and the 15 of November nixt to come : And to that effect the Assemblie hes chosin out of their number the Noblemen, Barrons, and Brethren vnderwrytin, viz. Erles of Craufurd, Mortoun, Glencairne, Lythgow, Kinghorne, Lords Grahame, Lindsay, Saltoun, Lovat, Torphichen, Lowdown, Scone, Balcleugh, Blantyre, Halierudebous, the Constable of Dundie, the Lairds of Kynnauld, Balvaird, Carnell, Housfoun, Admiftoun, Broxmouth, Polwart, Sir John Hoome of Northberwick, The Commissioners of Edinburgh, Perth, Sanct Androes, Glasgow, with the brethren after following, viz. Mrs William Dowglas, Alexander Rawfone, Abraham Sibbald, John Reid, Arthur Futhie, Andro Ramsay, John Kynneir, David Lindsay, Adame Ballantyne, Patrick Weimes, Edward Hepburne, George Ramsay, William Methven, Patrick Shaw, William Birnie, Walter Stewart, Hew Fullertoun, John McQuhorne, Thomas Ramsay, Robert Glendinning, together with the Commissioners of this Generall Assemblie, to conveine at Edinburgh the said 15 day of November nixt to come, and ther to receive from the said Commissioners the report of his Majesties most gracious answer to the supplicatioun forsaide, in name of the haill Assemblie : And in the meane tyme, the Assemblie commands and ordaines the haill Presbitries within this realme to proceede against Papists of all sorts within their bounds with the censures of excommunication.

The said day the Commissioners of the last Generall Assemblie being callit to give count of their haill proceedings since the last Assemblie, compeirit and offerit themselves to be tryit in their proceedings be this present Assemblie, and to abyde at the censure of the same ; and being demandit for production of their acts and proceedings in wryt, declarit be the mouth of Mr John Hall, their Moderatour, in absence of Mr Patrick Galloway, that the same could not be found, be reason that sometyme vmquhile Mr James Nicolson, Minister at Meagle, and in his absence vmquhile Richard Thomesoun, Minister at Cassiltoun, were ordinar scribes and keepers of the rolls of all their proceedings, quho are both deceifit this lyfe ; and albeit they have made travells at their executours hands for obtaining of the saids scrowis, yet they could in no wayes attaine vnto the same ; and therfor they and everie ane of them did offer themselves to be particularlie

cenfurit be this present Affemblie; [in respect whereof the Affemblie] ordainit them all to remove: quhilk being done, Mr William Couper, Moderatour, appointit to this effect, demandit publicklye, if any of the Affemblie had ought to object against the saids Commissioners proceedings why the same might not be ratified and allowit: and in respect of the taciturnitie of the hail brethren, and that nothing worthie of censure was objectit to any of them for thair proceedings, the saids Commissioners being returnit in the Affemblie, tooke instruments of the ratificatioun and allowance of thair saids proceedings.

The said day, the brethren of the Generall Affemblie presentlie conveynit having advyfedlie considerit the [necessity of] electing and choosng of Commissioners from this present Affemblie, for giving advyce to his Majestie for suppressing of Papistickall superstitioun quhilk increaseth more and more daylie within this realme: Therfor they have made, constitute, and ordainit, lykeas they, be the tenour heirof, make, constitutes, and ordaines Mr George Glaidstones, Bischop of Sanct Androes, Mr John Spottiswood, Bischop of Glasgou, Mr David Lindsay, Bischop of Ros, Mr Alexander Lindsay, Bischop of Dunkeld, Mr Peter Blackburne, Bischop of Aberdein, Mr James Law, Bischop of Orkney, Mr Alexander Dowglas, Bischop of Murray, Mr Gawin Hamiltoun, Bischop of Galloway, Mr Alexander Forbes, Bischop of Cathnes, Mr Andro Lamb, Bischop of Brechin, Mr Andro Knox, Bischop of the Yles, Mr Patrick Galloway, Mr David Hoome, Mr John Clappertoun, Mr John Knox, Mr Robert Howie, Mr John Hall, Mr John Caulcleugh, Mr John Strauchane, Mr Andro Boyd, Mr Andro Leich, Mr Robert Wilkie, Mr Patrick Sharp, Mr Patrick Symfone, Mr George Hay, Mr Patrick Lindsay, Mr William Scott, Mr Adame Ballantyne, Mr John Hay, Mr William Cowper, or any eivin of them, thair verie lawfull and vndoubtit Commissioners from this present Affemblie; giveand, grantand, and committand to them, or any eivin of them, as said is, thair full power to plant such kirks in the speciall Burrowstounes as presentlie are or false [found] destitute of Pastors, befor the next Affemblie.

Attour, If it fall happin the Kings Majestie to be greivit at any of the Ministrie for quhatfomevir enormitie committit be any of them against his Hienes, with power to them, or any eivin of them, to try and cognosce thervpon, and take such ordour thereanent as they fall think expedient to the glorie of God and weill of the Kirk; and, finallie, with power to them

to present the greives and petitiones of the Kirk to his Majestie, his Hienes Secreit Counsell, [Generall] Conventiouns, and Parliaments that fall happin to occurre befor the nixt Assemblie, and to crave redresse of the same : ordaining them to give compt of thair proceedings to the nixt Assemblie quhen it fall happin to conveine. Promitten de rato, &c.

It is alwayes speciallie provydit, that this present nominatioun of the same Commissioners, quhilks were for the most part Commissioners in the last Assemblie, falbe no wayes prejudiciall to the libertie of the Assemblie in choosung and electing Commissioners quhom they fall think most meitt and expedient ; neither fall this electioun induce or import any perpetuitie of the office in the persons electit.

Item, It is statute, that the haill Commissioners be desyrit and warnit to keip all thair conventiouns, if opportunelie the same may be done.

Forfameikle as the distractiouns and eyelists, quhilk are suspectit to be in the hearts of the brethren among themselves, is one of the most speciall and vrgent causes of the increase of Papists and Papistrie within this realme : Therfor, for avoyding therof, that certaine of the brethren, viz. the Bischops of Sanct Androes, Glasgow, Ros, Orknay, Mr John Hall, Mr Patrick Simfone, Mr William Cowper, and Mr John Knox, conveine with his Majesties Commissioner to advyse vpon the most solid and substantiall overture for removeing of the eyelists and distractiouns, and to report the same to the Assemblie the nixt Sessioun.

Sessio 7<sup>a</sup> 26 Julij. Post meridiem.

The said day, the brethren appointit for advyseing vpon the best overtures anent the distractiouns and eyelists that were entrit in the hearts of the Ministrie, declarit, that after mature deliberatioun they fand the saids eyelists and controversies to arise either vpon distractiouns of affectiouns, or vpon diversitie of opiniouns ; the first quherof being carnall, and therfor more dangerous, because it sufferit not the brethren whose affectiouns were separatit to vnite themselves with esauld and vniforme counsell and advyce, to resist the subtil practice of the commoun enemy, and so give him place with his subtil crafts and schifts to enter in the Kirk of God, and therby to supplant and vndermyne the same : Therfor, thair advyce was, that as the danger increases be the nourishing of the distractit affec-

tiouns of the brethren, even so the cure was the more necessar, and the more hastilie to be applyit, to wit, that the haill brethren in the Ministrie fould presentlie, in the feare of God, lay downe all rancour and disfrac̃tiouns of heart and affectiouns, quhilk either of them hes borne against vthers in any tymes bypast, and be reunited and reconcileit with heartie affectioun in Christ, as becomes them quho are Ministers of the Word of God, and Preachers of peace and Christian love and charitie to his people ; to the effect that by this heartie reconciliatioun, thair hearts and devyse may be communicat for dissappointing of the craftie devyse of the commounemie : Quhilk advyce the haill brethren of the Assemblie most lovinglie and heartilie imbraceit, and ordainit every ane of them, asweill Commissioners present as of the Ministrie that were absent, to obey the same by laying downe all grudge or rancour that any of the brethren doe beare at vthers ; in token quherof, and of the effauld vnioun of hearts and affectiouns, they all held vp thair hands to God, testifieing to his Majestie the truth of thair hearts in the said matter : And lykewayes they ordainit the same to be intimat to the rest of thair brethren at thair returning to thair Presbitries, to the effect that the samein may be done in every Presbitrie immediatlie after thair returning, as said is ; inhibiteing also and discharging any such disfrac̃tiouns or rancour to be among them, either in affectioun, or in word, deid, or countenance, but that they concurre in ane mutuall friendship and holie amitie in God, as becomes the Pastours of the Kirk of Christ ; and quhofoevir does in the contrair, that he be censurit in his awin Presbitrie or Synod ; and in cace of thair negligence, be the Commissioners of the Generall Assemblie.

As for the second cause of eyleists, quhilk is said to arise vpon diversitie of opiniouns, because the said diversitie of opiniouns results vpon different judgements amangs the brethren concerning the externall governement and discipline of the Kirk, quhilk cannot be so shortlie discussit and advyseit vpon as the brevitie of this Assemblie permitts : Therfor, it was the opinioun of the brethren forsaid, that the same fould be delayit to ane tyme more convenient, and in the meanetyme certaine appointit to reason, treat, and advyse vpon the same : quhilk lykewayes the Assemblie hes thocht expedient, and therfor, they have electit and chosin the brethren after following, viz. the Bischop of Sanct Androes, Bischop of Glasgou, Bischop of Dunkeld, Bischop of Orkney, Bischop of Cathnes, Mr Patrick Sharp, Mr Robert Howie, Mr John Michelson, Mr Henrie Philp, Mr George Hay,

Mr Patrick Galloway, Mr John Hall, Mr Patrick Simfone, Mr William Scott, Mr Archibald Ofswell, Mr John Knox, Mr John Carmichaell, Mr Adame Ballantyne, Mr John Weimes, and Mr William Cowper, thair Commiffioners in that pairt, to conveyne with his Majestie, or fick of his Majesties Counsell as be his Majestie is appointit, [at fuch tyme and places as they shall be requyrit be his Majestie] and to treat, reason, and consult vpon all matters standing presentlie in controverfie among the brethren anent the discipline of the Kirk ; and quhatfoevir they aggrie vpon to report to the nixt Generall Affemblie.

And in the meanetyme, quhill the nixt Affemblie, for ane interim, the advyse of the brethren conveynit at Falkland, the 16 of Junij last, be observit anent the constant Moderatour.

Item, It is statute and ordainit, that as vpon every fyft day of Auguft, publick thanksgiving is given to God, for the preservatioun of his Majestie from the treason of sometyme John Erle of Gowrie, throughout all the parts of Great Britaine, that evin so the same be intimat at every paroch Kirk with all possible diligence, ordaining that fuch as refuses to doe the same, be observit and delait to the Commiffioners of the Generall Affemblie.

Item, Because the brethren appointit for tryall of the diligence of the Commiffioners appointit be the last Generall Affemblie for visitatioun of the Presbitries, did report, that it was ane generall greife and complaint givin in be the few Commiffioners, that had produceit thair diligence, of the great desolatioun of the want of Pastours, and in speciall of the fareft of the South and North parts : Therfor the brethren ordaines the Commiffioners of this Affemblie to direct ane supplicatioun to his Majestie for taking ordour for planting of the hail Kirks within this realme.

And in respect of the great necessitie of the Kirks of Annerdaill, Ewifdaill, and Eskdaile, and the rest of the Kirks of the Dails quhilk are altogether vnplantit, as lykeways of the Kirks of Cathnes and Ros, in the quhilks it is regraitit that in many of them the holie communion was never celebrate : Therfor, the Affemblie has givin and grantit, lykeas they, be the tenour heirof, gives and grants thair full power and commissioun to the brethren vnderwrytin, viz. to the Bischop of Glasgou, [and Mr John Knox,] for visitatioun of the Kirks of Annerdaill, Ewifdaill, Eskdaile, and the rest of the Dails vnplantit, as said is ; and to the Bischop of Cathnes, George Dowglas, and Mr William Dowglas, for visitatioun of the Kirks of Cathnes and Ros, with power to them to plant Miniſters at the Kirks

within the saids bounds respectivé ; and to try the literature, qualificatioun, and conversatioun of such as are already plantit, and in case of vn sufficiency to deprive them from thair functiouns ; with power also to cause kirks be reedified quher as they are demolished ; and if neid beis to vnite kirks quher necessitie requyers ; and to report thair diligence to the nixt Assemblie : Promitten de rato &c.

Sessio vltima. Penultimo die Julij, ante meridiem.

Item, Because ane great part of the desolatioun of Kirks proceids from the ablsence of certaine of the Ministrie from thair flocks, be reason they are so confynit : Therfor, the Assemblie hes thocht it expedient, that thair Commissioners direct ane humble supplicatioun to his Majestie, humbly desyreand his Hienes to sett at libertie such of the Ministrie as are confynit, to the effect be thair presence and waiting on thair cure, thair flocks may be comforted, quhilks are now left desolate.

Item, Because it is humbly lamentit that the inhabitants of the towne of Aberdein ceases not geirlie to elect and choose such persons to be Magistrates and vpon thair Counsell as are wilfull and profest Papists, and enemies to the trueth profest within this realme, to the dishonouring of God, dishhearting of such as feares his name, and to the contempt of discipline within that burgh : Therfor, it is ordainit [be the Assemblie,] that the Presbitrie of Aberdein inhibit the Counsell and inhabitants of the said burgh, that they elect nor choose no Papists to beare office of ane Magistrate or vpon any Counsell in any tyme comeing, and if they doe in the contrair, that they proceed against them with the censures of the Kirk ; ordaining lyke wayes the Commissioners appointed for his Majestie to adjoyne this petitioun to the rest of thair supplicatiouns, that by his royall authoritie ane civill paine may be imposit vpon the contraveiners of the said act.

Item, It is ordainit, that no Minister in any tyme comeing fall take vpon him to solist in favours of Papists, or suspect of Papistrie, either before the civill or spirituall Judge, or vtherwayes, either be word or wryte, vnder the paine of deprivation.

Item, Because ther is fundrie supplicatiouns and bills givin into the Generall Assemblie, quhilk for the shortnes of tyme cannot be decydit and ansuerit : Therfor, the Generall Assemblie remitts the same to thair Com-

millioners above constitute, ordaining them to convene vpon the 15 day of November next to come, and ther to decyde and anfuer all such bills and supplicatiouns as false directit vnto them vpon the back, from this present Assemblie.

Item, Because it hes pleased God of his mercie to grant a good and happie successe to this present Conventioun, to the confort of his awin Kirk, and discontentment of the enemies, therfor the Assemblie ordaines the same to be intimat be every Presbitrie at thair severall paroch Kirks immediately after the dissolving of this Conventioun, and that they give publick thanks for the same, and pray God for a prosperous and long reigne to his Majestie and the health of his royall posteritie.

The next Generall Assemblie is ordainit to hald at Edinburgh the last Tuesday of May 1609 geirs, if his Majestie shall think expedient.

Thanks being givin to God for the prosperous event of this present Assemblie be prayer and singing of psalmes, the same was dimissit.

[Extract furth of the Registers of the Acts of the General Assemblie by me Mr Thomas Nicolfone, Clerk Keeper and Extractor therof. C.]

[Proclamation by the King for proroguing the meeting of the Commissioners appointed be the last Assembly, from the 15 of November till the 6 of December.

James be the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites, &c. Messengers, our Sheriffs in that part conjunctly and severally, specially constituted, Greeting. Forasmuch as although the first advertisement of the godly forwardness and zeal kythed be these of our Nobility, Clergy, and the other Estates of this our kingdom, convened lately in a General Assemblie at our Burgh of Linlithgow, did give unto us no small cause of joy and contentment, that there should be so great a number of well affected and disposed people in religion within our said kingdome in these dayes, when blindness and ignorance have taken so great hold in forain parts; yet since that first advertisement, we are so much the more satisfied and contented with their whole proceedings, being



certified of the same at length by our own Commissioner who was present all the time thereof, and be repair hither of some Commissioners selected out of everie Estate, and directed be the said Assemblie, suited unto us for the allowance of certain matters moved amongst them ; upon the first hearing of which propositions, we having clearly discovered the true difference betuixt the lawfull and unlawfull meetings, and the good fruits that well licensed and lawfull convened Assemblies will produce, concurring together in a continued harmonie to advert the common enemy, and to deliberate upon such matters, whereby his growth and increase may be stayed ; and that such in whom errors are so far rooted as there is no hope of reclaiming, may be either utterly suppressed, or at least brought to that case, that they need not to be feared in any sort, or regarded ; and not according to some late proofe of unlawfull conventicles, who upon a hair brained folie do preasse to rais a schesim in the Church, and by division doe give that advantage to the enemy, that their untimous concurring afterward together will hardly gett remedied : and as love is the main point in all religion, so the tokens of a general uniformity amongst the Clergy and other Estates there convened, uttered be them before the dissolving of their Assemblie, did testifie to the world, with what true sincerity and affection of heart that whole meeting was ; wherein their proceedings, by excommunication of one of the great subjects in this land, did therewith shew the small regard they have to offend any that are of contrarie profession ; which as we cannot but commend very much in them, so since the Almighty God hath been pleased to committ the Patrocinie of this Church in our dominions to our care and protection as his Lieutenant here on earth, and nurse Father of the same, we intend no way to be defective therein, but to assist all the lawfull proceedings of that Church, as well in advancing the Gospel as repressing contrarie professors. And having considered the petitions brought unto us by these Commissioners sent from the said Assemblie, as we doe very well allow of the same, so for the better encouraging of these who have had this turn in hand, of whom we hold everie one in their own degree to have deserved our special thanks, and to affray all such who dare kyth themselves of a contrarie faith ; it being certified unto us, that, at the dissolving of the said Assemblie, certain of everie Estate were appointed to meet at Edinburgh, the 15 of November next, to attend the Commissioners return, and to understand from them our acceptation of the propositions brought hither with them ; and we being willing not only to

declare our allowance of the same, but farther to authorize and countenance the same with our royal authority and power, have therefore thought meet to appoint a Convention of our Estates of this our kingdom, the 6th day of December next, against which time we doe intend to send down thither our particular pleasure and will concerning all these petitions preferred be the said Commissioners to us. Our will is, therefore, and we charge you straitly and command, that incontinent these our Letters seen ye pass to the Mercat Cross of our Burghs of Edinburgh, Perth, Sterling, Glasgow, Dundee, Aberdeen, Elgin, Dumfries, and other places needfull, and there, in our name and authority, be open Proclamation, make intimation to all such who expect for the return of our answer at the said 15 day of November, that they repair to our said Burgh of Edinburgh, the said 6 day of December next, where we intend not only a good, plausible and acceptable answer delivered for the true comfort of all good professors; but that some such farther courses also shall be concluded upon by our Estates to be at that time convened, as may most avail for the prosecuting of . . . . . may both represse the common enemy; and that, in this happy union of the Church of that our Kingdom, God his glory may be advanced, and true religion professed.

Given at our Mannour of Hampton Court, the 2d day of October,  
and of our reigne the 6, and 42 years, 1608.

Per Regem.

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The Convention of Estates appointed by the Kings Proclamation to be holden at Edinburgh, on the 6 day December, was continued to the 24 of Januar, 1609.

On which day, the Kings Commissioner the Earle of Dumbar being present, there was holden at Edinburgh a General Convention of the Estates, to hear the report of the Kings answer to the Petitions of the last General Assembly. The Bishop of Glasgow, Mr John Spotswood, rehearsed at great length the Kings speeches concerning the approbation of all that was done at the last Assembly, yea, that he commended the same

so farre that he confessed, that if he had been there in his own person he would neither have done more nor less than they had done. What concerned Papists and Papistrie, that, said he, his Majestie has granted absolutely, yea, hath sent the Earle of Dumbar armed with all authority needfull to doe, as they craved. But as for the Brethren that are under the Kings displeasure, who were banished, imprisoned or confined, that if they would make an humble supplication for their libertie, so gentle and clement was his Majestie, that he would be readier to grant, than they to suit. These things reported at length be the Bishop of Glasgow and Mr William Couper, Mr James Law, Bishop of Orkney, Moderator of the last Assemblie, asked at the Noblemen, what they thought of the Report. They all in one voice answered, they thought well of it, and praised God from their hearts, for giving them such a religious and gracious Prince, who had such a respect to the glory of God, and good estate of the Kirk, and hated everie thing that was prejudicial to the same.

Then were past the following resolutions. First, That the Bishops should be examiners of Pedagogues that passed with Noblemen and Gentlemens sons out of the countrie.

Item, That none suspected of Popery that are young Gentlemen, be entred to their lands, except they have the Bishops recommendation to the inqueists, and a testificat of their soundness in religion.

In end, mention was made of the Conference which was to be holden between the Bishops and the Ministers. The Bishop of Glasgow said, that a day was appointed already be the Earle of Dumbar, and the Commissioners of the Kirk, in Februar nixt to come; and for that effect advertisment should be made to all having entrels.

Follow the Memorials penned by Mr Spotswood, Bishop of Glasgow, sent to his Majestie by the Bishop of Galloway, Mr Gawin Hamiltoun.

Memorials to be propounded to his most excellent Majestie.

1. Yow shall relate the proceedings of the late Convention, and what affection some that were present kythed therein, that his Majestie may be forseen with mens dispositions, for the better choice of these to whom the affairs shall be concredited.

2. Yow shall remember the care we have had of reclaiming the Mar-

quise of Huntlie, and the Earle of Erroll, from their errours, and the small profite we have seen thereof; and insist for his Majesties favour to the petition of our Letter.

3. Anent the Ministers that are confined, your Lordship shall excuse the request made be us in some of their favours, shewing how it proceeded; and farther declare, that of late they have taken course to give in supplications to the Counsell for their enlarging to a certain time, for doing their particular busineses at Session, and otherwise in the country; and that some of them have purchased licence be the votes of the Counsell, albeit we opposed: Therefor beseeke his Majestie to remember the Counsell, that the confining of these Ministers was for faults done be them to his Hienes self, and that they should be acknowledged and confessed to his Majestie, and his Hienes pleasure understood therein, before the grant of any favour; otherwise they shall undoe all that has been hitherto followed for the peace of the Kirk.

4. Touching the Erections, it is our humble desire to his Majestie, that the Noblemen, in whose favours the same hath been past, may take order for the provision of their Kirks, according to the conditions made in Parliament, or then discharge their Erections, which seems best to be done be an Act in this infewing Session of Parliament, for which his Majesties warrant would be had: And sikelike, some course would be taken for the Prelacies erected, which have past also the constant Platt; that the presentation of Ministers to the modified stipends, at the vacancy of the Church, should be in his Majesties hand, whereunto, although his Majesties express commandment was given of before, no head was taken be such as had the charge of affairs.

5. Since this matter of the Commissariats importeth so much to the reformation of our Church government, as this being restored, in a little time the rest may be supplied that will be wanting, it shall be good to remember it be a serious letter to my Lord Dumbar, that we may know in due time what is to be expected. And since our greatest hindrance is found to be in the Session, of whom the most part are ever in heart opposite unto us, and forbear not to kyth it when they have occasion, yow shall humbly intreat his Majesty to remember our suit for the Kirkmens place according to the first institution, and that it may take at this time some beginning, since the place vacant was even from the beginning in the hands of the Spiritual siede, with some one Kirkman or other till now; which

might it be obtained, as were moſt eaſie be his Majeſties direction and commandment, there ſhould be ſeen a ſudden change of many humours, in that State, and the Commonwell would find the profite thereof.

6. Anent our Conference with the Miniſtrie, your Lordſhip will declare the time that is appointed, and the reaſons of the continuation of the ſame.

7. Becauſe in the time of Parliament chiefly it ſhould be expedient to have the Biſhops teach in the pulpits of Edinburgh, his Majeſtie would be pleaſed to commend this to my Lord of Dumbar be a particular letter ; and to require alſo the Miniſters of Edinburgh to deſire their help at that time, if it were for no other end, but to teſtifie their unity and conſent of mind to the Eſtates.

8. Becauſe the Kirk of Leith lyeth deſtitute in a fort through the Biſhop of Roſſe his age, and the imprifonment of Mr John Murray ; and that the ſaid Mr John is no way minded, as appeareth, to give his Majeſtie ſatiſfaction ; neither were it meet, in reſpect of his carriage, that he ſhould return to that Miniſtrie ; and to inſiſt in his deprivation with the Commiſſioners, might perhaps breed unto us a new difficulty : If his Majeſtie ſhall be pleaſed, we do hold it moſt convenient for this errand, that the ſaid Mr John be conveened before the Counſel be his Majeſties command, and be them be charged to ward in the Toun of Newabbay and ſome miles about, having libertie to teach that people, amongſt whom he ſhall find ſome other ſubject to work upon than the State of Biſhops. And for the proviſion of Leith, that his Majeſtie will be pleaſed to command the Preſbytrie of Edinburgh, in regard of the Biſhop of Roſſe his age, and the ſaid Mr Johns transportation be his Hienes appointment, to have care that the ſaid Kirk of Leith be planted with all convenient diligence be Mr David Lindſay ſometimes Miniſter of Sanct Andrews, for whom both the people is earneſt, and we may have ſufficient aſſurance to his Majeſties ſervice. And in caſe the ſaid Preſbytrie prove wilfull, that another letter to the ſame effect may be ſent to the Commiſſioners of the Generall Aſſembly, who may take order to ſee that matter ended, if ſuch ſhall be his Majeſties pleaſure ; and this would be done with all diligence convenient.

We cannot but remember alſo the miſorder creeping in the countrie, that once was happily reſſeſſed, the wearing of gunnes and piſtolls ; and humbly beſeeke his Majeſty, that ſome new courſe may be eſtabliſhed be ſearchers of ſuch perſons, and delating of them to the Counſel, that they

may be punished ; and that the Treafurer may have commandment to make choice, in everie country, of certain that shall be thought fittest to search, which shall be known only to his Lordship self, and satisfie them for their pains, to the end this insolence may be restrained. Particularly it would be forbidden in the granting of Commiffions, that this liberty be not permitted ; for this is one of the causes of their so open bearing, as said is.

These particulars, your Lordship will have care to propone to his Majestie at some fit time, and see the answers thereof dispatched accordingly.

Your Lordships shall remember my Lord of Cathness and his pension.

GLASGOW, be warrant, and at the desire of the  
rest of my Lords the Bishops.

My Lord, when your Lordship shall speak for the help of our Kirks, be the fall of these men that possels our livings, and do justly incurre his Majesties indignation be their hainous offences, be pleased to remember the case of Lanerk ; the possellors of the tithes be now excommunicated, and at the horn. Desire his Majesties favour for the grant of them to Mr William Birnie, Minister there, whose disposition your Lordship knows to his Majesties service ; and his Hienes letter for that effect to my Lord Treafurer, that he may be posselled in the same with all convenient diligence. Likewise remember the provision of Cramond, and the Bishop of Dunkeldens interest to these tithes.

GLASGOW.

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Proceedings of the Conference, appointed be the last Assembly, holden  
at Falkland, the 4th of May, 1609.

The Earles of Dumbar and Wigtoun, my Lord Skoone, and my Lord Fentounbarns, Collector, Commissioners for his Majestie ; Mrs George Gledstains, John Spotswood, Alexander Lindsay, Alexander Forbess, Patrick Sharp, Robert Howie, John Mitchelson, Henrie Philip, and George Hay for the Bishops ; Mrs Patrick Galloway, John Hall, William Scott, Archbald Oswald, John Knox, John Carmichaell, Adam Bannatyne, John Wemes, and William Cowper, (Patrick Simson being absent,) mett in that chamber, which was her Majesties, for discharging a Commission directed

from the last General Affemblie, holden at Linlithgow, the 29 day of Julie 1608 years. In the which meeting the said Commiffioners proceeded as followeth :

Sessio 1<sup>a</sup>

After prayer, and a short speech uttered be Mr James Law, Moderator, the Commission of the General Assembly was read ; whereof the tenour followeth :

At Linlithgow, the 29 of Julie 1608, post meridiem.

As for the second cause of the eyelifts which are said to arise upon diversities of opinions, because the said diversities of opinions result upon different judgments among the brethren, concerning the external government and discipline of the Kirk, which cannot so shortly be discussed and advised upon as the brevity of this Affemblie permitts : Therefor, it was the opinion of the brethren appointed for the adviseing of the best overtures anent the distractions and eyelifts that are entred in the hearts of the Ministers, that the sament should be delayed till a time more convenient ; and, in the mean time, certain appointed to reason, treat, and advise upon the same, which likewise the Affemblie has thought expedient ; and, therefor, they have elected and chosen the brethren after following, viz. the Bishops of Sanct Andrews, Glasgow, Dunkelden, Orkney, Cathness ; Mrs Patrick Sharp, Robert Howie, John Mitchelson, Henrie Philip, George Hay, Patrick Galloway, John Hall, Patrick Simson, William Scot, Archibald Oswald, John Knox, John Carmichael, Adam Bannatine, John Weemes, and William Couper, their Commissioners in that part, to convene with his Majestie, or such of his Majesties Commissioners as his Hienes shall appoint, at such time and places as they shall be required be his Majestie ; and to treat, reason, and consult upon all matters standing presently in controverfie among the brethren, anent the discipline of the Kirk ; and whatsoever they agree upon, to report to the next General Affemblie ; and, in the mean time, while the next Affemblie, the advice of the brethren convened at Falkland, the 16 of June last bypast, be observed anent the constant Moderators.

There was read also his Majesties Missive Letter, and a letter of excuse from Mr Patrick Simson. And thereafter a motion was made be his Ma-

jesties Commiffioner, and propounded be the Moderator, that five of either side should be put apart, to sett down the order of proceeding.

After some reasoning upon the said propolition, and some objections against the same, it was admitted and followed : and for the Bishops were named, Sanct Andrews and Glasgou, Patrick Sharp, Robert Howie, and Henrie Philip ; for the Ministers, Patrick Galloway, John Hall, William Couper, John Carmichael, and William Scot.

The Earl of Dumbar, my Lord Fentounbarns, James Law, Moderator, and the ten which were nominated and chosen, removed and went into his Majesties Chamber, where the Commiffion was read again ; which being considered, was thought very general be some ; and for limitation thereof, the particulars after following were proponed be the Ministers :

First, That the brethren, among whom the alledged controversies were, should be particularly named, or at-leist some way designed, whereby the one party might be known be the other.

2ly, It was required, that the alledged controversies should be denominated and condescended upon, for clearing of the first point. These of the part of the Ministrie declared, that they were one in judgment with the godlie Fathers, reformers of the Kirk of Scotland, and such as had from time to time, in General Assemblies, appointed the discipline, and obtained ratification thereof ; as also that they esteemed the discipline appointed be the Kirk, and ratified be the laws of the countrie, to be most godly and meet for the ruleing of Christ his Kirk within this Realme.

These of the other opinion came to no particular nomination nor designation, whereby their difference from such as had established the discipline, might be perceived.

For better understanding of the second, the Ministers desired, that distinction be made betwixt matters standing in controversy among the brethren, [and matters] extra controversiam in the Kirk, in which case they take to be all things concluded in lawfull General Assemblies.

Item, That clear difference might be made betwixt privat brethrens opinions and conceits, (put case their numbers be great,) and matters in controversie in the Kirk ; seeing nothing can probably be called a controversy of the Kirk, but that which has been received as a doubt before in some General Assemblies, and depends as yet undecided, for there is an order concerning cases, where the brethren doubt and crave reformation, viz. that such matters should be proponed to the General Assemblies, ordaine



decenter, animo aedificandi, non tentandi; in respect of the which order, it is no wayes convenient, that the saids Ministers should participat in a Conference with their brethrens opinions, different from the judgment of the Kirk; and syne report the same to a General Assemblie.

Laftly, Seeing the Assemblie at Linlithgow has directed Commission anent matters presently standing in controversy concerning discipline, which claws of necessity must be referred, either to matters that stand in controversy before that Assemblie, and in the time of it; or els to matters called and received in controversy before the same: It was demanded be the said Ministers, what particular matters either stood in controversy, or were called or received into controversy.

The intention of this their dealing was to shew, that the Commission above written bore no warrant to the said Commissioners, either to make particular questions and controversies, which had not been heard in General Assemblies of before; or yet to call in controversie the acts, conclusions, allowed practices, or established order of the Kirk. This purpose was taunted among the Ministers themselves; and it was alledged, that this form of dealing would be accounted a shifting of disputation; and so the blame would lye upon the Ministers.

It was answered, it was better to bear the unjust blame, than to break a whole cause, which, if it were broken, could not escape to be hurt, seeing the one partie were 16 or 17, and the other but 9. The other fort, for the party of the Bishops, termed that form of proceeding tergiverfation, policy, quarelling of the General Assemblie, frustration of their good intention, &c. Much time and talk were spent hereabout, and shoring and boasting; but no clear satisfaction returned to this demand, and propositions above specified. And so somewhat abruptly it was said, they mett either for something, or nothing; and confusedly was cast in, that some of the brethren had received the constant Moderators, and others not; so that was a controversy of the Kirk, said they, whether the Moderator should be constant, or circular as they termed it.

Item, Some of the brethren think that the cautions should be kept, and others think that reason would that some of them should be abolished. It is a question then, forsooth, whether the cautions shall be kept, or not.

It was answered to the first, that the foresaid Assemblie at Linlithgow, wherefra this Commission was directed, had expressly provided, that the advice, given in their Conference at Falkland, should be observed till the

nixt General Affembly ; and true it is, that in that Conference at Falkland, the meeting at Linlithgow, wherein the intended innovation of the Moderatour was begun, was spyed ; and that matter to be further treated in the ensueing Affembly at Linlithgow ; which Affembly, when it convened, acquiesced in the advice given at Falkland ; so that there is no warrand in this Commiffion to call the accustomed and established order of Moderation in doubt.

Unto the second it was answered, that the cautions, after long reasoning and advisement had in Presbyteries, Provincial and General Affemblies, they were solemnly concluded in two Affemblies, one at Dundie, another at Montrose, his Majestie being present at the one and the other, and as yet stand in full force unrepealed, and can no more be called in question be vertue of this present Commiffion, than the acts anent vote in Parliament, or any other acts of the General Affemblies.

It was thought meet be the most part, that both these matters of the Moderation and Cautions should be put in question ; and so they, that went apart, reentred in the place of Conference ; and all being present, the Moderator demanded, whither if the said matters should pass in question, or not. It was answered be the most part affirmativé, they should ; and so the question was conceived, as followeth.

1. Whither in Synods or Presbyteries the Moderation shall be constant, or not.

2. Whither the cautions sett down in the Affemblies holdin at Dundie and Montrose for restraining the power of Bishops, should be observed and sworn to, or not.

Thereafter, the Moderator desired, that one of either side should be named to reason these two questions ; but being late, no nomination was made ; but thanks given, and so that Session ended.

After the dissolving of that Session, the Ministers mett be themselves, and having conferred a little anent the disadvantage and danger, be suffering themselves to be separated in that former Session, all were desired to think that night upon the meetest remedy, and tymously meet in the morning, which they did.

In that their meeting they concluded, 1. That Mr Patrick Galloway should be speechman, and some others to assist him as need required. 2. That they should suffer themselves no ways to be divided ; but whatsoever should be proponed, (although of less importance,) they should

take it to be adviſed be the whole, before that any answer ſhould be returned. 3. That in reſpect of the members of that Conference, and of the quality of matters called in doubt, that they would no ways diſpute but be write.

Sefſio 2<sup>a</sup> Maij 5, hora 9, ante meridiem.

The aforeſaid Commiſſioners convened in the morning, in the place before named; and after prayer, the Moderator proponed, that one of either ſide ſhould be named and appointed to reaſon the firſt queſtion. Mr Patrick Galloway being deſired to ſpeak, answered, that it was moſt convenient to reaſon the matter be writt, for the reaſons following: 1. For elhewing of idle and hot ſpeeches, ſuperfluous digreſſions, and impertinent diſcourſes, whereby brethren might be irritated, and time unprofitably ſpent. 2. For avoiding of different reports to be made be the brethren of different judgments, after the Conference ended. And, therefor, he required the other partie, that they would ſhortly and clearly ſet down their opinion in articles, touching that matter, and reaſons whereby they would confirm the ſame; promiſing that the ſaid opinion and reaſons ſhould be plainly and brotherly answered, in ſuch ſuccinct forme as was poſſible they could conceive and expreſs in write.

Many things were objected againſt that anſwer and offer; but all objections were answered. And ſo, the Miniſters ſtanding conſtantly to their reſolution, the other party deſired that they might adviſe among themſelves anent the premiſes; unto which deſire the Miniſters agreed, and removed themſelves; and the other partie with his Majeſties Commiſſioners ſat ſtill.

After their reentry, the Moderator objected four reaſons againſt writting. 1. The cuſtome of the Kirk of Scotland. 2. The cuſtome of Conferences in other countries, and ſome Colloquies were named. 3. His Majeſties prohibition of writt. 4. Sundry inconveniencies that might follow thereupon, as namely, that the copies would paſs abroad, and would come in the hand of enemies, whereby it could not fail, but ſlander and ſkaith would come to the cauſe of religion.

To the firſt it was answered, that while the Kirk of Scotland had adoe with the Counſel thereof, anent the treating and concluding of the heads of diſcipline, they gave and received write one from another.

To the second, that the Colloquies named be them had very evill events; and others treated be write, specified be the Ministers, had better success, and made more for the advantage of religion.

As for the custome of countries generally alledged, writt was more usuall than word, as may be seen by [Ambassadors deillings,] learned mens Epistles, printed Colloquies, and Traities of all ages.

To the third, It is evident in his Majesties letter, that his Hienes intention is to settle all matters peaceably, and beside the same there is nothing produced: Therefor, writting, whereby jangling of words, hot speeches, and tedious digressions shall be avoided, is the most fitt and safe way to come to his Majesties purpose.

To the fourth, In case of agreement, interchanged papers may be given or burnt; and the conclusions agreed upon only put in write to remaine. If they can no wise agree, whatsoever shall pass in write may be, with consent of all, destroyed.

And after these answers, the Ministers concluded, that reasoning by word, without a Judge, could not possibly be had without tumult in the time of treaty, and different and contradictorious reports after breaking up of the meeting; whereby the present distractions would be augmented, and the cause of religion farther prejudged, Papists and all sorts of enemies, wishing, working and watching for division among Ministers, so far as they may.

The matter being thus stand to be the Ministers, some speeches of terrors was given out; and thereafter the Moderator proponed, that a short history might be sett down, with all consents, of that meeting, and the proceedings therein, to some such effect as followeth: That the Commissioners mett, the Commission was read, two questions were agreed upon. They for the part of the Bishops offered to disput thereupon; and the Ministers refused. The Ministers desired the last point to be mended after this manner; that they for the Bishops offered to reason be word, and refused writt; and the Ministers were willing to reason be writt: but when they should be before a General Assembly, Judge ordinar in such matters, they should be ready to reason be word or writt, as it should please the Assembly to injoyne; but here they could not reason be word, because they wanted a Judge. This was refused, and so no history was agreed on: But the Moderator desired that his Majesties letter, and the Commission being laid aside, either of the parties would advise upon some overtures for the peace

of the Kirk ; and for reporting thereof, three after noon was appointed for all to meet again. Thus, after thanks giving, the Commissioners rose.

Immediately after dinner, the Commissioners convened be themselves, and after consultation agreed upon four articles as follows :

1. That a declaration should pass from this Conference to be published in the Kirk of Scotland, reporting, that the Kirks within this realm are well constituted in doctrine and discipline, praised be God ; and that the discords and differences among the Ministers anent the one and the other, aggredged and given out be Papists, Atheists, and other enemies, are but slanderous calumnies tending to sedition, and to deceive the simple.

2. That the handling of the discords and differences among the Ministers be laid aside and spaired ; and the said differences covered under the skirts of brotherly patience and christian wisdom, while first Papists and Papistrie be proceeded against, and put to a point.

3. Seeing the matter of Bishoprick and Hierarchie cannot be handled at this time, but with advantage to Papistry and Papists, and disadvantage to the established order of this Kirk, which has been a special mean, whereby they and their kingdom have been dissipated and overcome ; that purpose would be superceded, till the land were purged of them and their leaven.

4. That an humble supplication should pass from this Conference to his Majestie, for grace and favour to the Ministers that have been so long banished, kept in prison, and confined ; namely, that they may be relaxed, sett at liberty, and returned to their places.

*Sessio 3<sup>a</sup>. Eodem die, hora tertia, post meridiem.*

The whole Commissioners mett in the place above specified ; and, after prayer, the Moderator required the Ministers to present their advice, as was appointed before noon. And Mr Patrick Galloway presented the articles above written, which were read ; and after the reading thereof, some freated, and pressed to speak ; but authoritativé be the Moderator and some others, that vehemency was kept at under, and silence was commanded. Thereafter the advice of the other party was read, and all demanded, what they thought of it. Little said for it, and nothing against it. The Moderator desired the Ministers to take up their articles ; which being done, the conclusion after following was agreed upon.

At Falkland, the fift of May 1609.

The brethren convened, having read the Commission given to them be the General Assembly, and considering the generality thereof, and how it is needfull, for ending of all controversies standing in discipline among the Ministry, that the particular points in question be condescended upon, have, for the present, agreed upon two, viz. Whither in Synods or Presbyteries the Moderators should be constant, or not: And whither the Cautions sett down in the Assemblies holden at Dundee and Montrose for restraining the power of Bishops, should be holden, and sworne unto, or not. Which two questions being proponed, becaus neither the brevity of time permitts, nor is it, for divers causes, thought expedient to enter in reasoning thereof at this present, the brethren continue all treating of the same till the first Tuesday of August nixt to come, appointed for their meeting to that effect in Stirling: Willing and commanding every one of the said brethren to advise and consider gravely on the said questions, and all points thereof; and to be ready at their said meeting to propone their mindes either be word or write, as they shall think fittest; and farther to sett down in write all the differences, which they conceive in the matter of discipline, that some solid course may be taken with common consent, for removing the same.

In the mean time, it is thought expedient, be the consent of the whole number, that the General Assembly be prorogued till the first Tuesday of May nixt to come, to be holden at Sanct Andrews, if it shall please his Majestie; that these affaires being brought to some point, report may be made, according as is ordained in the said Commission.

And becaus his Majesties most zealous care for the good peace of the Kirk, and the suppressing of Papists and all contrary religions, does so many wayes appear, that we have all exceeding great matter of thanks to be given to the Almighty God, for the blessing bestowed upon this Kirk in his Majesties person: It is found meet, that a letter of humble thanks be written from this Conference to his Majestie, and that, in all congregations of this kingdom, declaration be made be every Minister of his Hienes good affection and resolved mind to settle the Kirk in peace and truth, and to free the same of all the enemies, and their pernicious practices; and that

publick thanks be given to God for his mercies, and prayers conceived for happy progreſs of his Majeſties purpoſe.

As alſo, the brethren knowing the great dangers, that the Kirk ſtandeth in, through the enemies of religion, have thought meet to recommend to all the Miniſters and Preſbyteries in this realme a carefull proceeding againſt Papists, and ſuch [as remaine ſuſpect in religioun; and that they be diligent to lairne] of the ſtrangers that reſort from forrain parts, and to make intelligence to his Majeſties Commiſſioner, the Earle of Dumbar, or ſuch other of his Hienes Counſel as they are beſt acquainted with, that they know zealous of Gods truth, and faithfull to his Majeſtie: And, above all things, that they and every one of them intertain peace, frienſhip and brotherly love with others; laying aſide all jealousies, ſuſpitions and other prejudices; and that they communicat their counſels and helps to the advancing of religion, and eſta bliſhing a good and ſolid agreement in the Kirk; which the brethren preſent for themſelves have ſolemnly promiſed: and likeways to labour others to the ſame as far as they can, that God may have the glory, and his moſt excellent Majeſtie ſatiſfaction and contentment in all things.

This concluſion and his Majeſties letter being written and ſubſcribed, the Moderator gave thanks to God in the place where they mett.

Mr William Couper being requeeſted by his Majeſties Commiſſioner and ſome of the brethren, went to the Kirk of Falkland, and all that were there with him. He made an exhortation and thankſgiving upon the laſt three verſes of the 74 pſalme; and thereafter the 133 pſalme was ſung, and thus all were diſmiſſed.

. . . . .

A Commiſſion given under the great ſeal to the two Archbiſhops, to hold two courts of High Commiſſion, was proclaimed at the Croſs of Edinburgh, in March, 1610: The tenor whereof followeth.

James, be the grace of God, King of Great Brittain, France, and Ireland, Defender of the Faith, To our lovites, &c. Meſſengers and Shireffs in that part, conjunctly and ſeverally, ſpecially conſtituted, greeting. For as much as complaint being made to us in behalf of the Miniſtry of this our Kingdom, that the frequent advocations purchaſed be ſuch as were either

erroneous in religion or scandalous in life, not only discouraged the Ministry from censuring of vice ; but emboldened the offenders to continue in their wickedness, using their advocations as a mean to delay and dissappoint both tryall and punishment : We, for eschewing of this inconvenient, and that the number of true professors may be known to increase, the Antichristian enemy and his growth suppressed, and all sorts of vice and scandalous life punished ; and that neither iniquitie, nor delay of tryall and punishment, be left be this subterfuge of discouraging of Ecclesiastical censures to proceed on things so meet and proper for them, have, out of our duty to God and love to his Kirk, being the nurse father of the same on earth, within our dominions, given power and commission to the Reverend Father in God, and our trusty and well beloved Counsellor, George Archbishop of Sanct Andrews, Primat and Metropolitan of our kingdom ; and to our right trusty cufine and counsellor, Alexander Erle of Dumfermling, Lord High Chancellor of this our kingdom ; George Erle of Dumbar, Treasurer ; George Erle of Merschall, John Erle of Marr, John Erle of Montrose, Patrick Erle of Kinghorn ; to the Reverend Fathers in God, Alexander Bishop of Dunkelden, Peter Bishop of Aberdeen, Alexander Bishop of Murrey, Andrew Bishop of Brechin, David Bishop of Ross, George Bishop of Dumblain, Alexander Bishop of Cathness, and James Bishop of Orkney ; to our trusty Cufines and Counsellors . . . . Lord Lindsay, Simon Lord Frazer of Lovat, David Lord of Scoon ; and to our trustie and well beloved Counsellors, Mr John Preston of Pennycook, President of our College of Justice ; Sir David Cockburn of Clerkingtoun, Knight, Lord Privie Seal ; Sir Alexander Hay, Knight, our Secretary ; Sir James Hay of Kingask, Comptroller ; Sir Thomas Hamilton of Binnie, Knight, our Advocate ; and to our Lovites, Sir David Carnegie of Kinnaird, Knight, . . . Dundas of that ilk, Alexander Irving of Drum, . . . Ramsay of Balmany, Mr John Arthur, Mr Thomas Henderson, Mr Adam King, and Mr James Bannatyn, Commissarys of Edinburgh ; Mr John Weymes, Commislar of Sanct Andrews ; Mr James Martin, Rector of the University of Sanct Andrews ; Mr Robert Howie, Principal of the New College there ; Mr David Monipennie, Dean of Faculty ; Mr Patrick Galloway, Mr John Hall, Mr Peter Hewat, Mr John Mitchelson, Mr Robert Wilkie, Mr John Strauchan, Mr Andrew Leitch, Mr Hendry Philp, Mr Arthur Futhie, and Mr Patrick Lindsay, Ministers ; or to any five of them ; the said Archbishop being always one, within the



whole bonnds of the Province of Sanct Andrews : And to the Reverend Father in God, and our trusty and well beloved Counseller, John Archbishop of Glasgou, Alexander Erle of Dumfermling, George Erle of Dumbar, John Erle of Caffils, James Erle of Glencarne, John Erle of Wigtoun, James Erle of Abercorn : And to the Reverend Fathers in God, Gawin Bishop of Galloway, John Bishop of Argyle, Andrew Bishop of the Isles ; and to our trusty coufine and counseller, Walter Lord Blantyre ; and to our lovits, Mr John Arthure, Mr Thomas Henryson, Mr Adam King, Mr James Bannatyne, Commiffars of Edinburgh ; David Forfyth, Commiffar of Glasgou ; Mr James Halyday, Commiffar of Dumfries ; Mr John Hamilton, Commiffar of Hamilton ; Mr James Hamiltoun, Commiffar of Lanerk ; Sir George Elphinston of Eastwood, Knight ; Mr Patrick Sharp, Principal of the College of Glasgou ; Mr William Birnie, Minister of Lanerick ; Mr John Hay, Parson of Ransfrew ; Mr James Hamiltoun, Dean of Glasgou ; Mr David Sharp, and Patrick Walkinhaw, Subdean of Glasgou ; Mr Thomas Ramsay, Minister at Dumfries, Mr John Bell, Minister at Glasgou, and Mr Walter Steuart, Minister at . . . ; or any five of them, the said Archbishop being always one of them, within the whole bounds of the Province of Glasgou : To call before them, at such times and places as they shall think meet, any person or persons dwelling and remaining within the Provinces respectivé above writen of Sanct Andrewes, of Glasgou, or within any Dioceis of the same, being offenders either in life or religion, whom they hold any ways to be scandalous ; and that they take tryal of the same ; and if they find them guilty and impenitent, refusing to acknowledge their offence, they shall give command to the Preacher of the parish where they dwell, to proceed with sentence of excommunication against them ; which if it be protracted or delayed, and their command be that Minister be not presently obeyed, they shall convene any such Minister before them, and proceed in censuring of him for his disobedience, either by suspension, deprivation, or warding, according as in their discretion they shall hold his obstinacy and refusal of their direction to have deserved ; and farther, to fyne at their discretions, imprison or ward any such person, who being convicted before them, they shall find upon tryall to have deserved any such punishment ; and a warrand under the hand of any five above named, of every Province respectivé above written, the said Archbishop of the Province being one, shall serve for a sufficient command for the Captains and Constables of our wairds and

castles, and to all keepers of jayles or prifons, either to burgh or land, within any part of the Provinces respectiue above written, for receiving and detaining such persons as shall be unto them directed to be kept be them, in such forme as be the said warrand shall be prescribed, as they will answer upon the contrair at their perrill: and of all such fynes as shall be imposed on any offender, the one half to pertain unto ourself, and the other half to be imployed upon such necessary things as our said Commissioners shall be forced unto, by charging of parties and witnesses to compear before them; and the superplus to be bestowed at the sight of the said Commissioners be distribution among the poor: Commanding the Lords of our Privie Counsel, upon sight of any certificat subscribed be any five of the said Commissioners within every Province, as said is, the said Archbishop of the Province being one, either of any fine imposed be them upon any partie compearing and found guilty, or of the contumacy and refusal of any to compear before them, that the said Lords of our Privie Counsel direct a summar charge of horning upon ten dayes only; and that no suspension or relaxation be granted, without first a testificat under the hand of the Archbishop of the Province, containing the obedience and satisfaction of the party charged, be produced; and in case of farther disobedience or rebellion of the party who shall be charged for his fyne or not compearance, the saids Lords of our Counsel are then to prosecute the most strick order, as is usual against rebells, for any other cause whatsoever. With power to our saids Commissioners to proceed herein, as also to take tryall of all persons that have made defection, or otherways are suspected in religion; and as they find any just cause against them, to proceed in manner foresaid: and als whensoever they shall learn or understand of any Minister, Preacher, or Teacher of Schools, Colleges, or Universities, or of exhorting or lecturing Readers, within these bounds, whose speeches in publick have been impertinent, and against the established order of the Kirk, or against any of the conclusions of the bypast General Assemblies, or in favour of any of these who are banished, warded, or confined for their contemptuous offences; all such being no matter of doctrine, and so much idle tyme spent without instruction of their auditory in their salvation, ought so much the more severely to be punished; in regard that they are Ministers, who of all others should spend least idle talk, and specially in the chair of verity: and, therefor, after the calling of them before said Commissioners, they are to be questioned and tryed upon the points of that

which is to be laid against them, and punished according to the quality of their offence : And whereas complaints shall be made unto them be any party that shall be conveyed before any Ecclesiasticall Judicatory for any such crime as he shall be then suspected of, or that the partie doeth alledge alwayes the matter itself to be improper to that Judicature, or the proceeding to have been informal, or that the Judicature itself has been too partial ; and when the Commissioners shall see any just cause, they are then to take tryal and cognition thereof unto themselves, and to discharge the said Judicature of all farther proceeding : Giving power also to our said Commissioners to make choise of a Clerk, and other members of Court ; and to direct out precepts in name of the said Archbishop, and his associates within every Province, for citation of any parties before them, within the bounds of the said Provinces, in any of the said causes above mentioned ; which precepts are to be sealed with a special seal, containing the armes of the said Bishoprick : giving also power to charge witnesses to compare before them, under the pain of forty pounds scots money ; and upon the certificat of the said Commissioners, that any of the said penalties are incurred be them, the said Lords of our Counsel are to direct the like charges for payment of the same, as is appointed for payment of the fynes in the said Commission past our Great Seal, containing diverse other heads, clauses, articles, and conditions, and bearing date at our Court at Royftoun, the 20 of Januar last, at length is contained : wherof necessar it is that publication be made to all our lieges, that none pretend ignorance thereof. Our will is heresfor, and we charge you straitly, and command, that incontinent these our letters seen, ye pass to the said burghs within the Provinces above written, and there be open proclamation, that ye make publication of the premises, that none pretend ignorance : And als, that ye, in our name and authority, command and charge all our lieges and subjects to reverence and obey our saids Commissioners in all and every thing tending to the execution of this our Commission ; and to doe nothing to their hinder or prejudice, as they and ilk one of them will answer to us and our Counsell, upon their obedience, at their highest paine, charge, and perrill. The which to do, &c.

Given under our Signet at Edinburgh, the 15 day of Februar, and of our reigne the 47 year, 1610.

Per Actum Secreti Consilij.

## THE KINGS MISSIVE.

Trustie and well beloved, we greet you well. Albeit we justly fearing the disorders that might arise in the General Assembly appointed to be holden at Sanct Andrewes, the day of May next, be reason of the differences now in the Church for matters of discipline, did be our Letters, published in Februar last, desert the said meeting; and specially declared, that it was not our mind to appoint any new Assembly, before we were well assured of the peaceable inclination of these of the Ministry, who should meet and convene therat: Yet having been lately advertised of great confusion arising in the Church, by reason of the loose and unsettled government which is therein, and being intreated be fundry of our good subjects, Bishops, Ministers and others, for licence to some general meeting of the Church, wherein hope is given us, that some good course by common consent shall be taken for redress of all unorders, and the division of minds, that has so long continued among the Ministry, to the great scandal of their profession, should cease and be extinguished, we have been pleased to yield to their requests, and granted liberty for a General Assembly to be holden at Glasgow, the 8th day of June next: And, therefor, we will and require you to make choice of the most wise, discreet, and peaceably disposed Ministers among you, to meet and convene the said day and place, instructed with sufficient commission from the rest, as in other Assemblies you have been accustomed; and to advise anent the excommunicated Erles, what order shall be taken with them for their satisfaction of the Church; anent the late erections, to communicate to our Commissioners the estate of every church within any of the same, the maintenance allowed thereto; an overture for supplying the churches, which are not sufficiently provided; and what is the best course to be taken for the ready payment of the Ministers, so as they be not distracted from their charge, and forced to attend the Law for discussing of suspensions, and such like questions arising thereupon: in which point we have had many grievous complaints from diverse of the Ministers there, and understood our good purpose touching them and their maintenance to have been wonderfully crossed; and that they be ready to give their best opinion in all the former points, and in every thing else that shall be demanded of them for the good peace of the Church. And because by our Letters we have particularly acquainted the Archbishop

of Sanct Andrews of our purpose herein, and sent unto him a special note of the names of such as we desire to be at our said meeting ; it is our pleasure, that you conform yourselves thereto, and make choise of the persons that we take to be fittest for giving advice in all matters : wherein ye shall doe us acceptable service. We bid you farewell.

From our Court at Whitehall, the first of Aprile, 1610.

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The Bishop of Sanct Andrews Letter to the Presbytrie of Chirneside.

Grace be multiplied unto you.

Beloved Brethren, after my heartie commendations in the Lord, I have received a Letter from the Kings Majestie anent the direction of Commisioners to the approaching General Affembly. And to the effect ye may understand my Commission to you for that effect, and the Kings Majesties pleasure, I thought good, as having credit of his Majestie in these matters, to shew to your Moderator the authentick Letter that has proceeded from his Majesties hand, and to send to you the note of the persons, whom his Majestie has thought fittest for that work. This I beseech you, since our Presbyteries in Fife, and, as I hear, the Presbytrie of Edinburgh hath agreed to the Kings desire, that ye will not fail to send a free, voluntary Commission with these brethren, who have also received their severall Missives from the Kings Majestie, that ye seem not to be singular, and refractorie to reasonable petitions. I hope, that this my counsel shall be well accepted of you : and since suddane and willfull conclusions haue wrought such bitter effects, I hope, ye will not provock the Kings Majestie to wrath, without any necessary occasion. Thus I beseeke God to blese you all with the spirit of truth and love to the end.

Edinburgh, the 28 of May, 1610.

Your loving and assured Brother,  
SANCT ANDREWS.

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A.D. M.DC.X.

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The Generall Assemblie of the Kirk of Scotland halden at Glasgow,  
the 8 of Junij 1610 years, quher was present,

[THE KINGS COMMISSIONERS.

The Earle of Dumbar.	My Lord Prefident.
The Archbishop of Sanct Andrews.	My Lord Secretarie.

OF THE NOBILITY.

Earles Montrose.	Lords Lindsey.
Glencarne.	Scoone.
Cathness.	Blantyre.
Wigtoun.	Kintail.
Kinghorne.	Mr of Tillibartine.
Abercorne.	Comptroller.
Lothian.	Kilfyth.

OF THE MINISTRY.

ORKNAY.

Bishop of Orkney.	William Hair.
Robert Stewart.	Mr Andrew Dishingtoun.
Mr Patrick Waterftoun.	

## CATHNESS.

Bishop of Cathness.  
Mr William Pope.  
Thomas Paipe.

James Gray.  
Mr Andrew Ogilvie.

## Ross.

Mr George Monro.

Mr Robert Rock.

## MURRAY.

Bishop of Murray.  
Mr James Dundas.  
Mr Thomas Dundas.  
Mr Patrick Dundas.

Mr William Clogie.  
Mr Alexander Raufon.  
Mr William Reid.

## ABERDEEN.

Bishop of Aberdeen.  
Mr David Rait.  
Mr Archibald Bleckburne.  
Mr Robert Burnet.  
Mr John Logie.  
Mr John Reid.  
Mr John Garein.  
Mr Robert Merfer.

Mr Abraham Sibbald.  
Mr George Hay.  
Mr James Hay.  
Mr Robert Maitland.  
Mr John Strauchan.  
Mr Robert Ross.  
Mr Robert Reid.  
Mr Alexander Guthrie.

## MERNES.

Mr Andrew Ramfay.  
Mr James Rait.

Mr Adam Walker.

## BRECHEN.

Bishop of Brechen.  
Mr Dugul Campbell.  
Mr Andrew Leitch.

Mr Richard Merchestoun.  
Mr James Elliot.

## ARBROTH.

Mr Arthure Futhie.	Mr Henrie Phillip.
Mr Patrick Lindfey.	Mr John Guthrie.
Mr Andrew Drummond.	

## DUNDIE.

Mr David Kineir.	Mr Robert Rynd.
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## MEEGLE.

Mr Henrie Guthrie.	Mr David Brown.
Mr Alexander Kinninmouth.	

## PERTH.

Mr William Couper.	Mr Archibald Moncreife.
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## DUNKELDEN.

Bishop of Dunkelden.	Mr James Menzies.
Mr Silvester Ratray.	Mr Alexander Ireland.

## AUCHTERARDER.

Mr James Burdoun.

## STIRLINE.

Bishop of Dumblane.	Mr William Narne.
Mr William Stirline.	

## SANCT ANDREWS.

Archbishop of Sanct Andrews.	Mr William Murray.
Mr David Monipennie.	Mr Simeon Durie.

## UNIVERSITIE.

Mr Robert Howie.



## COUPER.

Mr James Martine.  
Mr Robert Buchanan.

Mr John Caldcleugh.  
Mr Thomas Douglas.

## KIRKALDIE.

Mr John Mitchelson.  
Mr William Murray.

Mr Alan Lawmonth.

## DUMFERMLINE.

Mr James Stewart.  
Mr Andrew Forrester.

Mr William Paton.

## EDINBURGH.

Mr John Hall.  
Mr Peter Hewat.

Mr Michael Cranftoun.

## LINLITHGOW.

Mr Robert Cornwal.  
Mr Alexander Keith.

Mr Robert Gilmour.  
Mr Thomas Peebles.

## DALKEITH.

Mr Patrick Tournour.

## HADINGTOUN.

Mr James Carmichael.

## DUMBAR.

Mr Edward Hepburne.  
Mr John Lauder.

Mr Thomas Hepburne.

**PEEBLES.****Mr James Logan.****Mr Robert Levingftoun.****CHIRNSIDE.****Mr John Clappertoun.****DUNSE.**

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**KELSO.****Mr James Knox.  
Mr Thomas Storie.****Mr John Balfour.****GLASGOW.****Archbifhop of Glaſgow.  
Mr Patrick Sharpe.****Mr John Bell of Glaſgow.  
Mr Andrew Boyd.****PAISLEY.****Mr John Hay.  
Mr Archibald Hamiltoun.****Mr William Birftoam.  
Mr George Maxwel.****DUMBARTON.****Mr Walter Stewart.****HAMILTOUN.****Mr Thomas Muirhead.  
Mr James Hamiltoun.****Mr David Sharp.  
Mr John Howifon.**

## LANERK.

Mr William Birnie.  
Mr John Lindsey.

Mr Robert Wilkie.

## AIR.

Mr Peter Prymrose.  
Mr John Makcorne.

Mr William Wallace.

## IRWING.

Mr Alexander Scringeour.

Mr Michael Wallace.

## DUMPREIS.

Mr Thomas Ramsay.  
Mr Robert Hunter.

Mr Robert Henrifon.  
Mr Simeon Johnstoun.

## KIRKCUDBRIGHT.

Bishop of Galloway.  
Mr John Aikman.  
Mr William Hamiltoun.

Mr Robert Glendinning.  
Mr James Donaldfon.

## WIGTOUN.

Mr James Adamfon.  
Mr John Watfon.

Mr George Kinnard.

## ARGILE.

Bishop of Argyle.  
Mr John Cameron.  
Mr Donald Makilrorie.

Mr Neil Campbell.  
Mr John Makcallum.  
Mr Nicol Makcalman.

## ISLES.

Bishop of the Isles.  
Mr Patrick Stewart.

Mr Robert Stewart.

## OF BARONES.

Drumlanrig.  
Glenurquhie younger.  
Wauchtoun.  
Bombie.  
Northberwick.  
Calderwood.  
Balnamoone.

Minto.  
Balmaine.  
Gairntullie.  
Duntreith.  
Mr Samuel Cockburne.  
Sir George Elpingfoun  
of Blytswode.

## OF BURROWES.

## EDINBURGH.

Edwart Ker. Mungo Makcal.

## PERTH.

Gawin Dalyel.

## DUNDIE.

Mr William Ferguson.

## ABERDEEN.

Alexander Rutherford.

## SANCT ANDREWS.

John Knox.

## GLASGOW.

James Forfeft.

Sessio 1<sup>a</sup> 8 Junij.

Exhortation being made by James Bishop of Orkney, Moderator of the last Assembly, the Commissioners, after their accustomed manner, proceeded to the election of the Moderator of this present Assembly. The leits being nominat, John Archbishop of Glasgow, Mr Patrick Sharpe, Mr Patrick

Lindſey, and Mr John Mitchelſon ; by plurality of votes John Archbiſhop of Glaſgow was choſen Moderator hac vice.

Thereafter, according to the accuſtomed order, Aſſeſſors were choſen to convene with the Moderator in the Privie Conference, for treating of ſuch things as are to be concluded in the Aſſembly : They are to ſay, the Kings Maſteſties Commiſſioners, with the Biſhop of Orkney, the Biſhop of Caithneſs, Mr William Paip, Mr George Monro, the Biſhop of Murray, Mr James Dundas, Mr Alexander Rauſon, the Biſhop of Aberdeen, Mr John Strauchan, Mr George Hay, the Biſhop of Brechen, Mr Patrick Lindſey, Mr Andrew Leitch, Mr Arthure Futhie, Mr James Martine, Mr David Monipennie, Mr Robert Howie, Mr John Mitchelſon, Mr William Murray Parſon of Dyfert, the Biſhop of Dunkelden, Mr Archibald Moncreife, Mr William Couper, Mr Alexander Ireland, the Biſhop of Dumblane, Mr Peter Hewat, Mr John Hall, Mr Michael Cranſtoun, Mr Edward Hepburne, Mr Robert Cornwall, Mr James Carmichael, Mr John Clappertoun, Mr James Knox, Mr Thomas Storie, Mr William Birnie, Mr Thomas Muirhead, Mr Patrick Sharpe, Mr Andrew Boyd, Mr John Hay, Mr Alexander Scringeour, Mr Michael Wallace, the Biſhop of Galloway, Mr James Adamſon, Mr Thomas Ramſey, the Biſhop of Argyle, the Biſhop of the Iſles, and Mr Neil Campbell.

The hours appointed for meeting of the Privie Conference, are ſeven hours in the morning, and two hours afternoon ; and for the Aſſembly, nine hours in the morning, and three hours afternoon.

Commiſſioners appointed for reading and answering of the bills, are Mr Henrie Phillip, Mr John Reid, Mr Robert Buchanan, Mr Thomas Hepburne, Mr Walter Stewart, Mr Robert Henrifone, Mr Silveſter Ratray.

#### Sefſio 2<sup>a</sup> Eodem die.

The which day the Earle of Dumbar, one of his Maſteſties Commiſſioners, after he had made open declaration of his Maſteſties good minde and zealous intention towards the eſta bliſhing of a good, ſolid and perfect order in the diſcipline of the Kirk in this realme ; in the which there were ſundrie points, which his Maſteſtie would have reformed ; the reformation whereof doth moſt properly appertain to his Highneſs, in reſpect of his royal au-

thoritie and duty, wherein his Majestie is bound to God Almighty to provide, that the estate of the Kirk within his dominions should be settled as well in Discipline, as in Doctrine, according to the Word of God ; to the effect that, the same being once solidly settled, the true Word of God may be purely and sincerely preached to his Highness subjects ; and the discipline of the Kirk, once wisely and discreetly settled, may be inviolably observed in all tymes coming. Thereafter he produced his Majestys Letter directed to this present Assembly, whereof the tenor followeth.

Right Reverend Fathers in God, Right trustie and welbeloved Cousins, Counsellours, and others our trustie and loving subjects, as well Ministers as Laity, presently met and convened in this Assembly, We greet you well. If the most sharp censure were taken of every one his particular affection to the religion professed, we might very justly boast, without ostentation, of our ever continued constancie, praised be God, notwithstanding of both the allurements, as also the threatnings of the adversarie, and of the misbehaviour, yea the pride, and often treasonable contempts of some of our subjects of the same profession ; so that none, unto whom either our by past life hath been known, or to whom our present actions are notour, but they without doubt will rest fully persuaded hereof ; since we have now openly declared ourselves to be the Principal Opposits on earth to the Antichristianemie, against whom to our last breath, without respect of hazard, we do intend to maintain and defend the truth professed. And as it hath pleased God in his mercie to appoint us to be the Nourish Father of his Church here on earth, within our dominions, so do we intend ever to be most careful for setting forward all such things, which may advance his glory, and breed quietness and peace in the Church ; unto which nothing hath been so great anemie as the want of order and government, without which no bodie or estate, either ecclesiastical or civil, can subsist. And howsoever the singularitie of some did, for a certain space, maintain, either by wilfulness or ignorance, a sort of headless government ; yet ere long it did kyth what inconvenience and harm might ensue to the Church, and advancement of the Gospel, by any longer continuance thereof : which moved us, during our stay there in our own person, to take so great pains for finding remedie to this, which otherways had kithed so incurable a canker, being permitted to have had any farther progresse : And, therefore, at that time willing to do things rather by consent, than

absolutely out of our royal power and authoritie, (which also is very law-ful, and granted to us by God himself,) we thereupon not only assisted and countenanced sundrie Assemblies of that Church by our own presence; but have caused others be convened since our departure from thence, having to our great cost and charges procured also maintenance, sufficient in some reasonable sort, for the Fathers of the Church; and have directed order to be taken for the plantation of Churches void: as likewise, in so far as the ecclesiastick jurisdiction by secular persons was incroched upon, we have put also remedie thereto: So as we did fully hope, that before this time, the Church thereupon, apprehending and perceiving errours past, in suffering that anarchie amongst them to keep so long continuance, should have resolved and concluded, and therewith have become suiters and solicitors unto us, for establishing of that government and rule, which is most fit and allowed of, in former times in the Primitive Church: so that things should not be left still in uncertainty, by reason of the division and distraction of minds among yourselves, by which, to your own knowledge, both the common enemy hath increased, and sinne and wickedness remain unpunished. But whether the default be in the Fathers of the Church, their unwillingness, or unworthiness, to do and perform what in dutie belongeth unto them; or in the factious singularity of others of the meaner rank, (who do perhaps presume of their greater credit by keeping things in confusion :) and we not being fully acquainted with the true cause, and yet in our dutie to our God, as being his Lieutenant here, holding ourselves justly bound not to suffer this sort of lingering, in a matter of such moment, have thereupon thought expedient to call this present Assembly, not so much for necessity as that any thing is to be moved, whereunto your consent is much requisite; but that our true affection to Gods glory, and advancement thereof, and to the peace and well of the Church, being declared and manifested, you may try the more inexcusable, for not urging that good to the Church, which we do intend for it without your consents, if we finde a slow concurrence upon your part; and yet hoping, that your forwardness will remove all opinion, which may be conceived either of unwillingness, or oppositions to our so godly intentions: and having referred the particular imparting of our farther pleasure and minde herein, to our right trustie and right well-beloved Cousine and Counsellour, the Earle of Dumbar, and the right reverend Father our right trustie Counsellour, the Archbishop of Sanct Andrews, (both of whom we have directed as our Commissioners to this

present Assembly, and whom we will you credit and trust,) and intending upon their reports to take special notice of every ones affection, and forwardness in this service, and thereupon to acknowledge and remember them hereafter, as any fit occasion for their good shall occurre : We commit you and your actions, with the good successe of the business, to Gods good guiding ; and bid all of you right heartily farewell.

From our Court at Thetfurde, the eight of May, 1610.

After the reading of which his Majesties letter, the Assembly thought it most expedient, that the brethren, appointed to be on the Privie Conference, should convene the next day in the morning, and privatly among themselves after reasoning advise upon such heads of the Discipline of the Kirk, as they should think to have need to be reformed, for giving his Majesty satisfaction in that point.

Sessio 3<sup>a</sup> 9 Junij, post meridiem.

The which day, the whole Assembly being convened, the brethren appointed for the Privie Conference, by the mouth of the Moderator, declared that after long deliberation they had agreed upon certain heads concerning the special points of Discipline, within the Church of this realme, for satisfaction of his Majesties will, contained in his Highness letter, which was thought expedient to be read openly to the whole Assembly, whereof the tenor followeth. C.]

Followes the Heids and Articles concerning the Discipline of the Kirk, to be observit in all tyme comeing.

In the first, It is declairit that the alledgit Assemblie haldin at Aberdein, is null in the selfe, speciallie in respect it had not his Majesties allowance, and was dischargit be his Commissioner.

And because the necessitie of the Kirk craves, that for ordour taking with the commoun enemy, and vther affaires of the Kirk, ther salbe geirlye Generall Assemblies, the indictioun quherof the Assembly acknowledges to appertaine to his Majestie be the prerogative of his royall crowne ; and, therefore, the Generall Assemblie most humble requeists his Majestie, that



General Assemblies be haldin once in the geir ; or at leift, in respect of the necessitties foresaid, that his Majestie wald appoint a certaine tyme, at the quhilk the samein shalbe haldin in all tyme comeing.

Item, It is thought expedient, that the Bischops shalbe Moderatours in every Diocesian Synod, and the Synods shalbe haldin twyse in the geir of the Kirks of every Dyocie, viz. in Apryle and October. And quher the Dyocies are large, that ther be two or thrie Synods in convenient places, for the ease of the Ministrie.

Item, That no sentence of excommunicatioun, or absolutioun therfra, be pronouncit against or in favours of any person, without the knowledge and approbation of the Bischop of the Dyocie, quho must be answerable to his Majestie for all formall and vnpartial proceedings therin ; and the proces being found formall, the sentence to be pronouncit at the directioun of the Bischop, be the Minister of the paroch quher the offender dwells, and thair proces began.

And in cace the Bischop shalbe found to have stayit the pronouncing of the sentence against any person that hes merit the same, and against quhom the proces hes bein lauffullie deduceit, the samein being tryit, and he convict in the Generall Assemblie therfor, that advertisement shalbe made to his Majestie, to the effect ane vther may be placit in his rowme.

Item, That all presentatiouns be direct heirafter to the Bischop ; and vpon any presentatioun givin, or vtherwayes sute made be any to be admittit to the Ministrie, the Bischop is to requyre the Ministers of these bounds quher he is to serve, to certifie by thair testificat vnto him of the partie suter his conversatioun past, and abilitie, and qualificatioun for the functioun : and vpon the returne of thair testificat, the Bischop is to take farther tryall ; and finding him qualified, and being assisted be such of the Ministrie of the bounds quher he is to serve, as he will assume to himselfe, he is then to perfyte the haill act of ordinatioun.

Item, In depositioun of Ministers, the Bischop associating to himselfe the Ministrie of these bounds quher the delinquent served, he is then to take tryall of his fault, and, vpon just cause found, to deprive him.

Item, That everie Minister, in his admissioun, shal sweare obedience to his Majestie, and his Ordinar, according to the forme sett downe in the Conference keipit in the geir of God 1571 geirs, quherof the tenour followis.

The Forme of the Oath to be given be the Perſon provydit to any benefice with cure, the tyme of his Admiſſioun be the Ordinar.

I, A. B. now nominat and admittit to the C. of D. vtterlie teſtifies and declares on my conſcience, that the right excellent, right high, and mightie Prince, James the ſixt, be the grace of God, King of Scotts, is the only lawfull ſupreame governour of this realme, aſweill in things temporall as in conſervatioun and purgatioun of the Religioun ; and that no forraine Prince, Prelate, State, nor Potentat hes or aught to have any juridiſtioun, power, ſuperioritie, preheminence or authoritie, eccleſiaſticall and ſpirituell, within this realme : And, therfor, I vtterly renunce all forraine juridiſtiouns, powers, ſuperiorities, and authorities ; and from this furth promiſes, I ſhall and will beare faith and true alledgeance to his Hienes, his aires, and laufull ſucceſſours ; and to my power ſhall aſſiſt and defend all juridiſtiouns, priveledges, preheminencies, and authorities granted and belongand to his Hienes, his aires, and laufull ſucceſſours, or vnited and annexit to his Royall Crown : And farther, I acknowledge and confeſſe to have and hald the ſaids poſſeſſiouns of the ſamein, vnder God, only of his Maieſtie and Crowne Royall of this realme : and for the ſaids poſſeſſiouns I doe homage preſentlie to his Hienes in your preſence ; and to his Maieſtie, his aires, and laufull ſucceſſours, ſalbe faithfull and trew. Swa help me God.

Item, The viſitatioun of ilk dyocie is to be done be the Biſhop himſelfe : and if the bounds ſalbe greater then he can overtake, he is then to make ſpeciall choiſe, and to appoint ſome worthie man to be viſitour in his place : And quhatever Miniſter, without juſt cauſe and laufull excuſe made, ſall abſent himſelfe from the viſitation of the Dioceſan Aſſembly, he ſalbe ſuſpendit from his office and benefice, and, if he amend not, he ſalbe deprivit.

Item, Exercife of doctrine is to be continowit weeklie among the Miniſters at the times of thair accuſtomit meetings, and to be moderatit be the Biſhop if he be preſent ; or then be any vther quhom he ſall appoint at the tyme of the Synod.

Item, The Biſhops ſalbe ſubieſt, in all things concerning thair lyfe, converſatioun, office, and benefice, to the cenſures of the Generall Aſſembly ; and being found culpable, with his Maieſties advyce and conſent, to be deprivit.

Item, That no Bischop be electit but quho hes past the age of fourtie zeirs compleit, and quho at the leift hes bein ane actuall teaching Minister for the space of ten zeirs.

Quhilks haill Articles being diverse tymes red publickly in the face of the haill Assemblie conveyit, after votting, the samein was ratified, approvin, and concludit be the haill Assemblie, and ordainit to be observit in all time comeing.

[Sessio 4<sup>a</sup> 11 Junij, ante meridiem.]

The said day, the Earle of Dumbar, one of his Majesties Commissioners, being presently of intention, to have caused instantly discharge all Presbyteriall meetings by open Proclamation at Mercat Crosse of Glasgow; and that becaufe he had received a special warrant and command from his Majestie to that effect, which he on no wayes would nor durst disobey; the whole Assembly most earnestly interceed with his Lordship, that it might please his Lordship to continue the making of the said Proclamation, and discharge of the Presbyteries contained in the said Letter, for a certain space; that, in the meane time, his Majestie might be certiorat of the proceedings of this present Assembly, which they doubted not would give his Majestie full satisfiacion in that part; unto the which request, those of the Nobilitie, being presently conveyened by his Majesties direction in the said Assembly, did concur, and interpon their request to that same effect: whereunto the said Earle of Dumbar having acquiesced upon speciall offer made by the Noblemen conveyened, that they would interceed at his Majesties hands, that he should be blameless for the said delay; for the which the Assembly did giue his Lordship most heartie thanks: And, therefore, ordained a Letter to be directed, in name of the whole Assembly, containing a most humble Supplication, that it might please his Majestie of his gracious favour to accept of the proceedings of this present Assembly, in the matter of the Discipline of the Kirk, whereunto they had condescended for satisfiacion of his Majesties good will, contained in his Highness Letter; and in respect thereof, that it might stand with his Majesties good pleasure and will to superseed all further discharge of the said Presbyteries.

Anent the Supplication given in name of George Marquess of Huntlie, &c., bearing in effect, that after long conference and reasoning had in the

controverted heeds of Religion, betwixt his Lordship and certain of the Ministry deputed to that effect, he was fully resolved in all doubts and difficulties that might arise therein, or trouble him in any sort; in token whereof, he hath subscribed the Heeds and Articles of the Religion presently professed within this realme; which were presented with the said Supplication: And, therefore, desiring that a commission may be directed from this present Assembly, giving power to such Commissioners as they should appoint, to absolve him from the sentence of Excommunication, in respect of his satisfaction foresaid; as at more length is contained in the said Supplication. Therefore, the Earle of Dumbar, his Majesties Commissioner, having declared, in his Majesties name, his Highness minde anent the absolution of the Marquess of Huntlie from the sentence of Excommunication; and in special, that it should be tried if his Lordship was fully, in heart and conscience, resolved and satisfied in the heeds of Religion, as he had subscribed the same with his hand, to the intent that thereafter he might be absolved from the said sentence of Excommunication.

The General Assembly, being ripely advised with the said Supplication, and his Majesties minde declared by his Highness Commissioner thereanent, Giveth, granteth, and committeth their full Commission to the persons after specified, the Archbishops of Sanct Andrews and Glasgow, the Bishops of Orkney, Galloway, Brechin, Mr John Hall, Mr Patrick Simpstone, Mr William Couper, Mr Patrick Sharpe, and Mr Andrew Leitch; with power to them to passe with his Majesties Commissioners, and the Earles of Montrose, Glencarne, Cathness, Linlithgow, Kinghorne, Wigtoun, and Lothian, to the Castle of Stirling, where the said Marquess is presently confined, and there to try the said Marquess his intention and resolution, in the Heeds and Articles of the Religion; and if he be fully satisfied thereanent in his heart and conscience, as he hath outwardly professed the same, subscribed with his hand; and in case they find him fully resolved, and of inward intention to give full satisfaction in all the points and heeds of Religion controverted; and to avow, and constantly to confesse and professe the true Religion, that is presently professed publickly within this realme: In that case, they give full power and commission to the said brethren, with Mr John Hay, Mr John Mitchel, Mr Robert Cornwall, and Mr Patrick Lindsey, or any nine of them, (the Archbishops of Sanct Andrews and Glasgow being alwayes two,) to absolve him from the proceffe and sentence of Excommunication.

Item, It was humbly regrated in the Assembly, that notwithstanding of many lovable acts and constitutions, as well Ecclesiastical as Civil, alreadie made and enacted for repressing the disorder and insolence of professed and excommunicat Papists; yet neverthelesse they doe still remain in their former obstinacie and disobedience; proceeding doubtlesse upon the impunitie which they do enjoy, and oversight whereby they are suffered to have free passage and acceffe in all parts of the countrey, as if they were not excommunicat: For remedie whereof, it is ordained, that every one of the Commissioners present give in roll to the Clerk of the Assembly all the persons that are excommunicat within their bounds; that the same being presented by him to my Lord Commissioner, his Lordship may cause the Secret Councel take order with them, according to the lawes of the countrey.

And because it is not unknown to the Kings Majestie, what treasonable practises and attempts are, from time to time, devised against his Majestie and his Royal Estate by the Papists, and professed enemies to the truth: Therefore, the Assembly hath thought good, that a Supplication should be directed to his Majestie, in name of the whole Assembly, to put his Majestie in remembrance of his own estate and danger, whereunto his Majestie is subject through the cruel and craftie treason daily forged and contrived against his state and person, by the Papists, Jesuits, and Seminarie Priests, enemies to God and the true Religion, and to his Majestie, because his Highness is a special maintainer of the same against their false and erroneous doctrines; that, therefore, it would please his Majestie to have such regard to his own estate, and preservation of his most sacred person from their bloudie devices, that by debarring of them and their favourers from his Majesties presence, his Majestie, by the grace and protection of God Almighty, may be preserved in safety, to the advancement of the glory of God, establishing of the true peace of the Kirk within his Majesties dominions, and comfort and tranquillitie of his Highness subjects, whose wealth and prosperitie in this earth, under God, they acknowledge to consist in his Majesties preservation.

Sessio 5<sup>a</sup> 11 Junij, post meridiem. C.]

Forfameikle as in this present Assemblie it is alreadie statute, that the

Exercifes ſhalbe moderatit be the Biſhops in the meitings of the Miniſtrie, if they be preſent, or then be any vther quhom they ſhall appoint at the tyme of the Synod : and becauſe the nixt Synod is not to be haldin befor the moneth of October nixt to come ; therefor, it is ordainit, that in abſence of the Biſchop, the conſtant Moderatours ſhall remaine in thair awin places quhill the nixt Synod be halden in October.

Item, Becauſe it is vncivill that laws and conſtitutiouns, either Civill or Eccleſiaſticall, being anes eſtabliſchit and in force, by publick and opin conſent, ſould be controllit and callit in queſtioun by any perſon : therfor, it is ſtatute by vniforme conſent of this haille Aſſemblie, that none of the Miniſtrie either in pulpitt in his preaching, or in the publick exerciſe, ſpeake and reaſon againſt the acts of this preſent Aſſemblie, nor diſſobey the ſame, vnder the paine of deprivation, being tryit and convict therof ; and ſpeciallie, that the queſtioun of equalitie and inequality in the Kirk, be not treatit in pulpitt vnder the ſaid paine ; and that every one of the Com-miſſioners preſent intimat this act in the firſt meeting of thair exerciſes.

[Item, It is ſtatute and ordained by the whole Aſſemblie, that the celebration and ſolemnization of the holy band of matrimonie, be refuſed to no Chriſtians within this realme, neither upon Sunday, nor upon any other day, when the ſame ſhall be required : and ordaineth that the ſame be performed with all chriſtian modeſtie, and without all diſorder.

Item, Becauſe through fundrie parts within this realme, as well in the highlands and borders, as in the mid countrey and beſt inhabited and peopled land, there be many Kirks lying deſtitute of a Paſtor and preaching of the Word, to the great diſcomfort of the people, whoſe ſoules are thereby fruſtrated of the ordinarie food of the Word of God, which proceeds for the moſt part of the laick patronages, and erection of ſpiritual benefices in temporal livings ; which erections are either not accepted by the purchaſers thereof, but left in ſuſpenſe at the ſeales, without any proviſion made to the Miniſters of the Kirks of the benefice : or if they be accepted, either the proviſion, appointed for the Miniſter, is ſo mean, that it is altogether unable to intertain an honeſt man in his calling ; or elſe the Miniſter is altogether ſecluded from uplifting that portion allotted to him by pariſhioners, addebtet in payment thereof, and is compelled to await for the ſame from the erected Lord his chamberlain, or his garner, and ſo in a manner getteth none, or at the leaſt ſmall payment of the ſame : For

remeed whereof it is thought expedient, that the brethren after specified, viz. the Archbishops of Sanct Andrews and Glasgou, the Bishops of Orkney, Galloway, and Cathness, with John Clappertoun, Mr John Hall and Mr Robert Buchanan, shall convene at Edinburgh, the 20 day of June instant, and form a Supplication to be direct to his Majestie for planting of all the Kirks that are unplanted within this realme, whatsoever rank or qualitie the same be of, and that the same be direct to his Majestie by the Archbishop of . . . . the Bishop of Brechen, Mr John Hall and Mr William Couper, whom the Assembly hath appointed their lawful Commissioners, to present in all reverence to his Majestie the humble petitions and supplications direct to his Highness from this present Assembly. C.]

Extractit furth of the Register of the Acts of the Generall Assemblie  
be Mr Thomas Nicolson, Commissar of Aberdeen, Clark, Keiper,  
and Extracter therof.

. . . . .

[Proclamation be the King, ratifying the Assembly at Glasgou 1610.

James, be the grace of God, King of Great Britane, France, and Ireland, Defender of the Faith, To our lovits, &c., Messingers, our Sheriffs in that part, conjunctly and severally, specialy constitut, greeting. For as much as there be none who are ignorant of the great harmony and uniformity of minds among the Nobility, the Fathers of the Church, and a number of the most learned and best affected of the Ministrie, at their late meeting and General Assembly of the Church of this our kingdom, convened in our City of Glasgou, and since with the general applause of all them who were then mett together, there were diverse and sundry most worthy ordinances and constitutions then established and concluded for the weale of the Church, and preservation of good order, rule, peace and tranquillity within the same : and we, by our speciall Letter directed to the Lords of the Privy Confil, having expressly willed and commanded them, upon the ending of the said Assembly, for the more authorizing of the conclusions of the same, to command all our subjects of whatsoever sort, condition, or function, that they doe obtemper, obey, and not contradict, oppose or impugne any article, point or head of these conclusions : And in regard that, by special

act concluded in the said Assembly, all Ministers and Preachers whatsoever are expressly prohibited and forbidden, either in privat or in publick, to speak against or impugne any of the conclusions made at that meeting, under the pain of deprivation: Therfor, the said Lords of the Privy Counsel have ordained, and ordain thir our Letters to be direct in manner and to the effect following, as an act made thereupon bears. Our will is herefor, and we charge you straitly and command, that incontinent thir our Letters seen ye pass to the Mercat Crofs of our Burgh of Edinburgh, and all other places needfull, and there be open proclamation, in our name and authority, that ye command and charge, and inhibit all our subjects whatsoever; and in special, all teaching and preaching Ministers, and lecturing Readers, within this our kingdom, that none of them presume or take upon hand, either in their sermons publickly, or in their privat conferences, to impugn, deprave, contradict, condemn, or utter their disallowance and dislike in any point or article of these most grave and wise conclusions of that Assembly endit with such harmonie, as they will answer to the contrary at their highest perrill and charge; and that you command all our Shireffs, Stewarts, Bailiffes and their Deputs, all Provests and Bailies of our burrowes, and all other our officers and magistrats whatsoever within our said kingdom, that if they doe hear or understand of any breach of this present command, by any Preacher, Minister, or lecturing Reader, or other subject whatsoever, that they fail not presently to committ the trespasser in this kind in some prison or ward, untill such time as they having advertised the saids Lords of our Privy Counsel of the same, they shall have their answer returned, what farther shall be done by them: and where any magistrat shall be found and tryed to have been unwilling, remiss or slouthfull in the execution of this present direction, It is hereby declared, that their negligence and connivence at any such fault shall make them as culpable hereof as the principal offender; and they shall be accordingly with all rigour and severity punished. And herewith that ye command all others our subjects of whatsoever quality, bearing no office or charge of magistracy, and so wanting power to apprehend and committ the delinquent, that upon their hearing of any one transgressing the present command and proclamation, that they doe certify the next magistrat or some one of our Privy Counsell of the same; otherways they shall be reputed, holden and accounted guilty of the same offence, and shall be punished as principal transgressors in this kind. The which to doe, we committ to you, conjunctly



and severally our full power be thir our Letters, delivering them be you duely executed and indorfed again to the bearer.

Given under our Signet, at Edinburgh, the 19 day of June, and of our reign the eight, and fourty thrie years, 1610.

Per actum Secreti Confilij, &c. C.]

. . . . .

A.D. M.DCXII.

A Ratificatioun, be Act of Parliament haldin at Edinburgh, 1612 zeirs, of the Acts and Conclufiouns sett down and aggreitt vpon in the Generall Affemblie haldin at Glasgou, in the moneth of June 1610 : Together with ane explanatioun made by the Eftates, of some of the Articles of the fame.

Forfameikle as in the Parliament haldin at Edinburgh, in the zeir of God 1597, the Eftates of this kingdom remittit to his Majestie to consult and aggrie with the Generall Affemblie of the Kirk, vpon the authoritie and power quhilk the Archbifchops and Bifchops fould have in the policie and difcipline of the Kirk : Wheranent after that his Majestie and his Commiffioners many tymes had moft feriously conferrit and advyfit with the Miniftrie : At laft conclufioun was takin in the Generall Affemblie haldin at Glasgou, in the moneth of Junij, 1610 zeirs, determining all the doubtfull and contravertit points concerning the iurifdictioun, policie, and difcipline forfaid, with full and vniforme confent of a very frequent number of godly Minifters, affistit be the counsell and concurrence of a great many of the beft affectit Nobilitie, Barrones, and Commiffioners of Burrowes of this kingdom, in maner, fubftance, and effect following : with the explanatioun maid be the Eftates of Parliament presentlie conveyit, of some of thefe articles refolvit vpon in the foirfaid Affemblie of Glasgou.

In the first, the foirfaid Affemblie acknowledgeth the indiçtioun of the Generall Affemblie of the Kirk to appertaine to his Majestie, by the prerogative of his Royal Crowne.

And farther ordaines, that the Bifchops falbe Moderatours in every Dioceſian Synod. And the Synod fall hald twyfe in the zeir of the Kirks of every Dyocie, viz. in Apryle and October : and quher the Diocies are

large, that ther be twa or thrie Synods in convenient places, for ease of the Ministrie : And in cace the Bischop of the Dyocie be absent vpon any necessar occasioun, in that cace his place shalbe supplied be such ane worthie Minister, bearing charge within the bounds, as the Archbischop or Bischop shal appoint.

That no sentence of excommunicatioun or absolutioun thereof be pronouncit against or in favours of any person, without the knowledge and approbatioun of the Bischop of the Dyocie, quho must be answerable to God and to his Majestie for all formall and vnpartiall proceeding therein : And the proces being found formall, the sentence to be pronouncit at the direction of the Bischop, be the Minister of the paroch quher the offender dwells, and the proces began.

That all presentatiouns to benefices be directit heirafter to the Archbischop or Bischop of the Dyocie, within the which the benefice vacand be dimissioun, deprivation, deceis, or vtherwayes, lyeth : with power else to the Archbischop or Bischop to dispoise and conferre such benefices as falls in his Dyocie, jure devoluto : Provyding alwayes, in cace any Archbischop or Bischop shuld refuse to admitt any qualified Minister, (accepting the presentatioun grantit to him, and who hath bene once receivit and admitted to the functioun of the ministrie, being then still vndepryvit,) presentit to them be the patrone, in the cace of any such refuse, It shalbe lawfull to the patrone to reteine the whole frutes of the said benefice in his awin handis. And either he, or the paroch wanting a Pastour, be reason of the not planting of the Kirk, (in cace the refusall therof come be the Bischop,) may complaine therof to his Archbischop ; and if either the Archbischop be the refuser, or els give not due redresse being complained vnto : in that case the Lords of his Majesties Privie Counsell, vpon the parties complaint of the refuse, and no sufficient reason being givin for the same, shal direct letters of horneing, chargeing the Ordinarie to doe his duetie in the receiving and admitting of such a person as the said patrone hath presentit. It is alwayes declarit, that if any Archbischop or Bischop shal deprehend any such person as is presentit to him, to have come within compasse of a simoniacall pactioun with the patrone, in so farr as he hath either alreadie hurt, or promised or bound himselfe to prejudge and hurt the estate of his benefice in not reserving a sufficient maintenance for him and his successours, answerable to the estate of his benefice ; and that the Bischop or Archbischop shal vnderstand the same, either be the parties oath, or vther cleir prouif and

evidence: in that case they may lawfullie refuse any such person presentit to them. But if the partie who is presented, hath reservit to himselfe and his successours a sufficient maintenance, the setting of tacks, or promise to doe the same, or doing of any thing els to his patrons, (being not prejudiciall to that aforesaid maintenance,) shall no wayes be ascryvit to any simoniacall pactioun, nor shall not serve for any reason to the Archbisshop or Bisshop to refuse him. And in case any such contraverfie or question shall occure betuixt the patrons, the person presentit, and the Archbisshop or Bisshop, It is declarit, that the Lords of Counsell and Session shalbe Judges therevnto, to decyde vpon the said symoniacall pactioun, and qualitie of the same, if any such thing shalbe objectit against the partie presentit.

In depofitioun of Ministers, the Bisshop associating to himselfe the Ministrie of these bounds quher the delinquent served, he is ther to take tryall of the fact, and vpon iust causes found, to depryve: And the lyke ordour to be observit in suspensioun of Ministers from the exercise of the function.

That every Minister in his admissioun shall sweare obedience to his Majestie, and to his Ordinar, according to this forme following: I A. B. now nominat and admittit to the kirk of D. testifie and declare in my conscience, that the right excellent, right high and mightie Prince, James the Sext, be the grace of God, King of Scotland, England, France, and Ireland, Defender of the Faith, &c. is the onlie lawfull supreme governor of this realme, asweill in matters spirituall and ecclesiasticall as in things temporall: And that no foraine Prince, State, nor Potentate, hes nor aught to have any iurisdiction, power, superioritie, preheminencie, or authoritie ecclesiasticall or spirituall within this realme. And therfor, I vtterlie renounce and forsake all foraine iurisdiction, power, superiorities, and authorities; and promises, that from this furth I shall and will beare faith and true alledgance to his Hienes, his aires, and lawfull successours; [and to my power shall assist and defend all jurisdictions, priviledges, preeminences, and authorities granted and belonging to his Highness, his heirs, and lawfull successors,] or vnited and annexit to his Royall Crowne. And further, I acknowledge and confesse to have and to hold the said D. and possessioun of the same, vnder God, of his Majestie, and his Crowne Royall of this realme: and for the saids possessiouns I doe homage presentlie to his Hienes in your presence: and to his Majestie, his aires, and lawfull successours, shalbe true. So help me God. And als that every

Minifter in his admiſſioun ſhall ſweare obedience to his Ordinar, according to this forme following : I A. B. now admittit to the Kirk of C. promiſes and ſweares to E. F. Biſhop of that Dyocie obedience, and to his ſucceſſors in all lafull things. So help me God.

And if the ſaid benefice be at the preſentatioun of ane laik patrone, the perſon preſentit ſhall give his aith as followes : I G. H. now admittit to the forſaid benefice, teſtifie and declare in my conſcience, that the right excellent, right high and mightie Prince, James the Sext, be the grace of God, King of Scotland, Ingland, France, and Ireland, Defender of the Faith, &c. is the onlie lafull ſupreme Governor of this realme, as weill in matters ſpirituell and eccleſiaſticall as in things temporall ; and that no forraine Prince, State, nor Potentate, hes nor aught to have any juridiſtioun, power, ſuperioritie, preheminence, nor authoritie eccleſiaſticall or ſpirituell within this realme. And therfor, I vtterlie renounce and forſake all forraine juridiſtioun, power, ſuperiorities, and authorities ; and promiſes, that from this furth I ſhall and will beare faith and true alledgance to his Hienes, his aires, and lafull ſucceſſours ; and to my power ſhall aſſiſt and defend all juridiſtions, priviledges, preeminencies, and authorities granted and belonging to his Hienes, his aires, or lafull ſucceſſours, or vnited and annexit to his Royal Crowne. And I doe acknowledge and confeſſe to have and hold the ſaid benefice and poſſeſſiouns of the ſame, vnder God, be his Maieſtie, of E. F. lafull patron of the ſame.

That the viſitatioun of ilk Dyocie be done be the Biſhop himſelfe ; and if the bounds be greater than he can overtake, that then he make ſpeciall choiſe of ſome worthie man of the Miniſtrie of the Dyocie, to viſite in his place : And quhatever Miniſter, without juſt cauſe and lafull excuſe made, ſhall abſent himſelfe from the viſitatioun, or the Dioceſian Aſſembly, he ſhall be ſuſpendit from his office and benefice ; and if he amend not, he ſhall be depriuit.

That the Conventiouns of Miniſters for Exerceiſe ſhall be moderatit be the Biſhop being preſent ; and in his abſence, be any vther Miniſter quhom he ſhall appoint at the Synod.

Quhilks acts, ordinances, declaratiouns, and determinatiouns above wrytin, his Maieſtie finding to be verie aggrievable to the true religioun profeſt within this kingdome, and to the godly and decent government of the Kirk, Miniſtrie, and whole members therof : Therfor his Hienes, with advyce and conſent of the Eſtates of Parliament, ratifies, approves, and con-

firmes all and fundrie the premyſſes : and ordaines them and every ane of them to be obeyit and obſervit, be all his Hienes ſubieſts, as inviolable lawes in all tyme comeing. Annulling and reſcinding the 114 act of his Majeſties Parliament, haldin in anno 1592, and all and quhatſomever acts of Parliament, laws, ordinances, conſtitutiouns, ſentences, and cuſtomes, in ſo farre as they or any of them, or any part of the ſame, are contrair or derogatorie to any of the articles above wrytin, als eſſentially and effectuallie in all reſpects as if the ſaids acts and conſuetudes heirby abrogat were at lenth heirin expreſſit.

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A.D. MD.CXV.

[The Courts of High Commiſſion united in December, in forme and manner following.

Our Sovereigne Lord ordaineth a Letter to be made under his Highneſſe great Seal, in due form, making mention, that forſameikle as it hath been heavily complained to his Majeſtie, in the behalf of the Miniſtrie of the Kingdom of Scotland, of the frequent Advocations, made by the Lords of Council of the ſame Kingdom, againſt ſuch as are either erroneous in religion, or ſcandalous in life ; whereby they are not only diſcouraged from cenſuring of vice, but the offenders ſo much the more emboldened to continue in their wickedneſſe, uſing their Advocacion as a mean and delay, both to diſappoint trial and puniſhment, knowing that many of the Miniſtry, in regard of the meaneſſe of their proviſion, are unable to attend, and proſecute the diet of ſuch proceſſe ; the matter contraveened being alſo improper to the Council to cognoſce upon. For eſchewing of the which inconveniences, and that the number of true Profeſſors may be known to increaſe, the Antichriſtian enemy and his growth ſuppreſſed, all kind of vice and ſcandalous life puniſhed, and that no cover of iniquitie, nor delay of trial and puniſhment of the offender be left, by this ſubterfuge of diſcharging the Eccleſiaſtical cenſure to proceed in things ſo meer proper for them, or being otherwiſe of a mixt nature, in regard of the danger and ſequel of law by reaſon of the offence committed ; which in this caſe can no wayes be ſo well ſupplied, as by the particular choiſe of ſome of the Nobilitie,

Clergie, other Laicks and Minifters, being well affected in religion, zealous in the caufe of God, and defirous to have all vice and finne punifhed, and the increafe and growth of the enemie ftayed : And becaufe the citation of the forefaid perfons is oftentimes protracted or delayed by abfence of any of our two Archbifhops of Scotland, either by ficknefs, or for other rea-  
 fonable caufes ; fo that by the abfence of our Archbifhop of Sanct An-  
 drews, the fcandalous perfons, within the Province and Diocie of Sanct  
 Andrews, cannot be cited to compear before our Archbifhop of Sanct An-  
 drews as their Ordinari : And by the abfence of our Archbifhop of Glas-  
 gow, the offenders, within the Province and Diocie of Glasgow, cannot be  
 cited to compear before our Archbifhop of Glasgow ; fo that the scanda-  
 lous perfons, at the leaft the moft part, efcape punifhment : Therefore, for  
 remedie hereof, out of his dutie towards God, and love to his Kirk, being  
 the Nurfe Father of the fame upon the earth, within his Majefties domi-  
 nions ; and grieving, that either hereticks, fchifmaticks, or fcandalous liv-  
 ers, fhould finde any fubterfuge, colour, or efcape the old ordinarie courfe  
 from the Ecclefiaftical punifhment, appointed by his Hienes laws, againft  
 offenders in fuch caufes, hath given, granted, and committed, and by the  
 tenor hereof, gives, grants, and committs full power and commiffion to the  
 moft reverend Fathers in God, and his Highnefs right trustee and welbe-  
 loved Connfellors, John Archbifhop of Sanct Andrews, Primat and Me-  
 tropolitan of Scotland, and James Bifhop of Glasgow, conjunctly and feve-  
 rally, and Alexander Earle of Dumfermline, Chancellour of our Kingdom  
 of Scotland, John Earle of Marr, George Earle of Merschal, John Earle, of  
 Montrofe, Peter Bifhop of Aberdeen, Alexander Bifhop of Murray, Wil-  
 liam Bifhop of Galloway, Patrick Bifhop of Rofs, Andrew Bifhop of Bre-  
 chin, Alexander Bifhop of Cathnefs, Adam Bifhop of Dumblane, Andrew  
 Bifhop of Argile, and George Bifhop of Orknay, the Lord Binning, Secre-  
 tar of our realme of Scotland, . . . . . Lord Lindfay,  
 William Lord Sanquhair . . . . . Lord Forbes,  
 Walter Lord Blantire, Sir Richard Cockburne of Clerkingtoun, Lord Pri-  
 vie Seal, Sir Alexander Hay of Whitburgh, Clerk of Register, Sir William  
 Oliphant Newtoun Knight, our Advocate, Sir Gedeon Murray of Elie-  
 bank Knight, our Treafurer Depute, Sir David Carnegie of Kinnaird  
 Knight, Sir William Levingftoun of Kilsyth Knight ; Mrs Patrick Gallo-  
 way, John Hall, Peter Hewat, Andrew Ramfey, Minifters at our Burgh

of Edinburgh, Mr John Ramfey, Minister at . . . . Mr John Hay, Parfon at Ranfrew, Mr William Birnie, Minister at Air, Mr John Abernethie, Minister at Jedburgh, Mr Edwart Hepburn, Minister at Prestoun, Mr John Mitchelfone, Minister at Bruntiland, Mr Theodor Hay, Parfon of Peebles, Mr Thomas Henrifon and Mr John Arthure, Commiffars of Edinburgh, Mr John Weemes, Commiffar of Sanct Andrews, Mr William Hay, Commiffar of Glasgow; or any five of them, the faids Archbifhops of Sanct Andrews and Glasgow, or any one of them, being of the number of the foresaids, to fummon or call before them, at fuch time and places as they fhall think meet, all perfon or perfons, dwelling within our Country of Scotland, and within the Provinces of Sanct Andrews and Glasgow, and Diocies of the fame, being offenders either in life or religion, whom they finde any wayes to be scandalous; and fpecially, refettters and intercommanners with Jefuits, Seminary and Maffe Priests, or excommunicat Papifts, fayers and hearers of Maffe, recusants, and not communicants, inceftuous and adulterous perfons; and that they take trial of the fame: And if they finde them guiltie and impenitent, refufing to acknowledge their offence, they fhall give direction and command to the Preacher or Minister of that parifh, where they dwell, to proceed with the fentence of excommunication againft them; which fentence, if it be protracted or delayed, and their command by that Minister be not prefently obeyed, they fhall then convene any fuch Minister before them, and proceed in cenfuring him for his difobedience, either by fufpenfion, or deprivation, or otherwife, according as in their difcretion they fhall hold his obftinacie, and refufal of their directions, to have deferved: And farther, to fine at their difcretions, imprifon, or ward any fuch perfons, whom, being convened before them, they fhall find upon trial, for contumacie, or their non compearance, to have deferved fuch punifhments for the faid crimes: And a warrant under the hand of any five above named, any one of the faid Archbifhops being alwayes one of them, fhall ferve for a fufficient command to Captains and Conftables of his Highnefs Wards and Caftles, and to all keepers and Jaylors of all Prifons or Wards, either within burgh or land, within any part of the faid countrey, for receiving and detaining of fuch perfons, as fhall be directed unto them, to be kept by them in fuch form as by the faid warrants fhall be prefcribed, as the faid offenders will answer to the contrarie upon their peril. And of all fuch fines, as fhall be impofed upon any offender, the one half

to appertain to his Majestie and his Highness Treasurer ; another half to be employed upon such necessary charges, as the said Commissioners shall be forced unto, by charging all Papists, and witnesses to compear before them ; and the surplus to be bestowed, at the sight of the said Commissioners, ad pios usus : And that the said Letters be extended in the best form with all clauses needful, and with command therein to the Lord of his Highness Privie Council of Scotland, upon the sight of any certificat, subscribed by any five of the said Commissioners, the said Archbishops being alwayes two of them, either of fine imposed upon any partie found guiltie, or of the contumacie or refusal of any partie to compear before them, to direct a summar charge of horning upon ten dayes only, for payment of the fines to be imposed upon them, and to direct his Highness Letters and warrant for present denouncing of persons that are contumacious, for their contumacie and refusal to compear, being lawfully called to that effect : and that no suspension nor relaxation be granted, without a certificat under the Bishops hands, of the partie charged his obedience and satisfaction : And in case of farther disobedience of the partie, who shall be charged for his fine of non compearance, his Majestie then ordaineth his Lords of Council to prosecute the most strait order, as is used against any others his Highness rebels, for any other cause whatsoever : With power to the said Commissioners to proceed therein ; and also to take trial of all persons, that have made defection, or otherwise are suspected in religion ; and as they finde any just cause against them, to proceed in manner foresaid : Commanding also by thir presents the Captains and Lieutenants of his Majesties guards, Provosts and Bailliffs of Burghes, where the said Commissioners shall sit, Sheriffs, and Bailiffs of Regalities, and all others his Majesties Officers, and Ministers of the lawes, to search, seek, take and apprehend all and sundrie persons his Majesties lieges, whom the said Commissioners shall think meet to be presented to their judgement and trial, upon a warrant subscribed by any five of the said Commissioners, any of the said Archbishops being alwayes one of them : And also, whensoever they learn or understand of any Minister, Preachers or Teachers in Schooles, Colledges or Universities, or of exhorting and lecturing Readers within these bounds, teaching or speaking against the present established order of the Kirk or Estate, against any of the conclusions of the by past General Assemblie holden at Glasgow, or any acts of Parliament, and specially, the act of Parliament holden at



Edinburgh, in October 1612 years : and therefore, after calling before the said Commissioners, they shall be questioned upon the points of that which is laid against them, and punished according to the qualitie of their offence. And whereas complaints shall be made unto them by any partie, that shall be conveyened before any Ecclesiasticall Judicatorie, for any such crime as he shall be suspected of, and the partie alledge there, that the matter itself is impertinent to that Judicature, and the proceedings to be, and to have been unformal ; or that the Judicature itself hath been partial : And when the said Commissioners shall see a just cause, they shall take . . . . . like as it shall be leesome to whatsoever person or persons, to appeal to the said Commissioners from any inferior Ecclesiasticall Judge, upon any reasonable cause : then and in that case, the said Commissioners to take cognition therein, the case of Appellation being found reasonable : With power also to the said Commissioners, to make choise of the Clerk, Procurator fiscal, and other members of Court ; and to direct precepts in name of the said Archbishops and their Associates, for their citation of any parties before them, within the bounds of the said countrey, in any of the causes or cases above named : which precepts shall be sealed with a special Seal, containing the Armes of the said two Archbishops ; and these presents shall be a sufficient warrant, both for making, and using the said Seal ; and to charge witnesses to compare before them, under the pain of fourtie pounds usual money of this Realme of Scotland : And upon a certificat from the said Commissioners, that any of the said penalties are incurred by their contumacie, the said Lords of Council shall direct the like charges for payment of the same, as is appointed for the fines. Attour, our said Sovereign Lord by the tenor hereof dischargeth the Lords of his Highness Council and Session of all advocating to themselves, from our Ecclesiasticall Judicatories, any of the matters of the qualities above written ; but that they referre the same to the decision of the said Commissioners : And generally to do all and whatsoever things the said Commissioners shall hold fit and convenient for his Highness service herein, according to the intent and purposes of his Majesties Commission : Charging likewise, and commanding all and fundrie his Highness lieges and subjects, whom it effeirs, to answer readily, and obey the said Commissioners, or any five of them, any of the said Archbishops being alwayes one of them, their officers and Ministers, in all and fundrie things concerning the premisses, under all

highest pain and charge that after may follow : And ordains our Great Seal to be appended to the same ; whereunto these presents shall be a sufficient warrant.

Given at Royftoun, the 21 of December, the year of God 1615 years,  
and of our reigne fourtie nine, and thirteen years.

A. Chanc.      Binning.  
Murray.      Alexander Hay.

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A. D. MD.CXVI.

The Kings Letter to Mr John Spotswood, Bishop of Sanct Andrews.

Right reverend Father in God, right trusty and well beloved Counsellor, We greet you well. We have received your letter of the 13 of this instant, whereby ye and the remanent Bishops doe give us account of the High Commissions proceedings, and the causes moving them at their last meeting, to committ the Marques of Huntlie : and as we are well pleased both with your Assembly, and that effect thereof, especially at this time of so great defection, and apostacy in the North ; so it is our pleasure, that the said Marques be no ways relieved of his commanded restraint, but that he remain therein, notwithstanding our late letter sent to him, which being directed and dispatched before we knew of his restraint, is not to be interpreted as a warrant for his relief thereof ; so as notwithstanding the said letter, ye are still to detain him, if he be in prison, and otherways to cause him reenter the same.

And seeing now ye haue made so fair an entry and way to curb and correct Popery, and prevent the future growth and increase therein ; so we are the more earnestly to perswade you to sett forward in so good a cause, without fainting or wearying ; because at this time of the Marques his imprisonment, every man will be in expectation of some real effect and work of reformation : Wherfor you and all the rest of your colleagues are to use the greater care and diligence in your proceedings against the Jesuits, Priests and Papists in these parts ; and chiefly against these of the said Marques his name, kind, and dependents, by citation, or such other course as ye shall think meet for their discovery, pursuit, tryal, and punishment,

wherein as we doubt not, but ye will perform all that we can expect or require of you, so may ye be confident of our special approbation, and aid to be conferred to any lawfull course that ye intend or take for the same.

In the mean time, among other particulars of that letter sent unto us, wee cannot but take special notice of the devilish disposition of Cornelet Gordouns wife, in railing so wickedly against a Preacher, and using such speeches to divert people even at the church door from entering to hear the Word: Wherfor, our pleasure is, that ye resolve upon the most expedient course to bring her to Edinburgh, and she to be committed to the Tolbuith thereof: for if these speeches expressed in the said letter be verified against her, we will repute her as infamous, odious, and punishable as any witch: and unless be her punishment, we be confirmed of her guiltiness, we must esteem the information made against her to be but an invention, and yow too easily to haue believed a lye.

According to your desire, we have required our Depute Treasurer to cause dispatch the guard to pursue Gight, and take his house. And for punishing the rest that being cited, compeared not before our Hie Commission, we have willed him to proceed against all and every one of them, with all severity and rigour of law.

And to conclude, whereas ye desire the declaration of our pleasure concerning Mr John Murrey: Seing be his conformity he has given you satisfaction, we are well pleased, that ye place him in Dumfermling, or elsewhere as ye shall think most fitt. And so we bid yow farewell.

At Wansteade, the 22 of June, 1616.

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Proclamation be the King, for holding the General Assembly at Aberdeen, in August 1616.

James, be the grace of God, King of Great Britane, France, and Ireland, Defender of the Faith, To our Lovits, &c. Messengers, our Shireffs in that part, conjunctly and severally, specially constitut, greeting. For as much as the Prelats, and the reverend Fathers of the Kirk, forseeing that there is a great decay in religion, and a growth and increase of Poprie, within this our kingdom; and that the samen is like to produce many dangerous effects against the Estates, both in Kirk and Policie: And the said Prelats hav-

ing gravely deviled upon the best and readiest means, both for preventing and suppressing this growth of Popery ; and for reforming of the disorders and abuses flowing therefra, they haue found, that nothing is more expedient for effectuating their good work than a National Assembly, and meeting of the whole Kirk : And by their petitions presented to us, they have humbly craved our licence for the holding of the said Assembly : Lykas we allowing of their good advice and opinion in this point, and being willing to hold hand to them in all and every thing which may procure the good of the Kirk, We have most willingly and freely given and granted our consent, licence, permission and allowance for holding of the said Assembly, and ordaining the same to hold at our Burgh of Aberdeen, and to begin, God willing, upon the 13 day of August next approaching, in this instant year of God, 1616 years. Our will is herefor, and we charge yow straitly, and command, that incontinent these our Letters seen ye pass, and, in our name and authority, make publication thereof be open proclamation, at the Mercat Cross of the head burrowes of this our kingdom, and other places needfull, wherethrough none pretend ignorance of the same : And that ye warn all and sundry Archbishops, Bishops, Commissioners from the Kirks, and others having vote in the said Assembly, that they repair in due and lawfull tyme to our Burgh of Aberdeen, against the said 13 day of August nixt, and assist the said Assembly and meeting with their presence and votes, and doe and perform that which to their charges in such cases appertaines, as they will answer upon the contrair at their perrill : The which to doe, we committ to you, conjunctly and severally, our full pouer be these our Letters, delivering them be yow duely execut and indorfit again to the bearer.

Given under our Signet, at Edinburgh, the 19 day of July, and of our reignes the 49 and 14 years, 1616.

Per Actum Secreti Confilij. C.]

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A. D. MD.CXVI.

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The Generall Affemblie of the Kirk of Scotland, halden at Aberdein the 13 day of August 1616: Where was present the Erle of Montrois, Commiffioner for his Majeftie, Lords and Barones, together with the Archbifhops, Bifhops, and Commiffioners from Presbitries.

[A Faft was indifted, be Proclamation and found of trumpet, to be kept this day: Patrick Forbes, Laird of Corfe, taught in the morning; the Bifhop of Sanct Andrews before noon; Mr William Forbes after noon.

The King ordained by his Letter, the Primat to rule the Clergie, and his Commiffioner, the Earle of Montrofe, to order the Laitie; and defired the Affembly to advife upon certain overtures for the rooting out of Popery, which he promifed to authorize be his lawes. So Mr John Spotfwood, Archbifhop of Sanct Androis, ftepped into the Moderators place without election. Secretar Hamiltoun and the Lord Carnegie were appointed by the King to affift the Earle of Montrofe. The Catalogue of the Presbyteries was not called, nor Commiffioners confidered, whether free or limited. A number of Lords and Barones decored the Affembly with filks and fat-tins, but without lawfull Commiffion to vote. Bifhops had no Commiffions from Presbyteries. The Moderators of the Presbyteries came according to the Bifhops Miffives.

The whole Bifhops and Lords of Councel, that were present, together with the Kings Commiffioner, and his Affifters, the Secretary, and the Lord Carnegy, and fifteen other Lords and Barones, with twenty Minifters, or thereby, were appointed to fit upon the Privie Conference. The firft four dayes were fpent in preaching, renewing old acts, and making fome new acts againft Papifts. C.]

Sessio 2<sup>a</sup> 14 Augusti.

Forſameikle as the moſt vrgent cauſes of the convocation of this preſent Aſſembly, is to obviat the great increaſe of Papiftrie within this realme, and to try out the juſt cauſes heirof, to the effect that ſufficient remedies may be provided for redreſſing of the ſame in all tyme coming; and that it is found be the whole Aſſembly, that ane great part of the cauſes of the ſaid increaſe relyes partlie vpon the ſlackneſs of the Miniſtrie in thair holie profeſſioun, and partlie vpon the not executing of the laws, alſweill civil as eccleſiaſtical, againſt ſuch perſons as either were excommunicat themſelves, and oppinly contemnit the ſaid censure; or quho intertaines, receipts, and maintaines quho were excommunicat; or quho were traffiquers againſt the true religioun preſentlie profeſt within this realme: For remeid quherof, the whole Aſſembly in ane voyce hes ſtatute and ordaint in maner after following.

In the firſt, For the better tryall and diſcovering of Apoſtates, it is ſtatute and ordaint, that quhoſoever hes confeſſit the true religioun preſentlie profeſſit within this realme, and hes ſubſcryvit the ſamein, and hes receiv- ed the holy ſacrament of the Supper of the Lord, and communicat conforme to the ordour obſervit within this realme; if at any tyme heirafter he or ſche be found any tyme, either to reaſon againſt the ſaid true religioun preſentlie profeſt within this realme, or any article or heid therof, or to raile againſt the ſame, or els directlie or indirectlie to be a ſeducer or perverter of vthers from the ſaid trueth preſentlie profeſt, as ſaid is; or if he or ſche be found to receipt or intertaine any traffiqueing Papiffs, Jeſuites, or Seminarie Priests: Any of the ſaid facts or deids ſalbe a ſufficient cauſe of apoſtaſie, and theſe doers ſalbe reput, haldin and puniſhit as apoſtates.

And becauſe the probatioun in the ſaids cauſes is difficile and almoſt im- poſſible, in reſpect that the ſaids deids are committit covertlie, and quher- in probatioun can hardly be deducit: Therfor it is ſtatute, that in cace vther probatioun cannot be had, that it ſall be lawfull to prove the ſamein be the aith of the partie alledgit committer of the ſaids facts and deids; and that it ſall not be leiſum to him to reſuſe to give his oath in the ſaids matters, vpon quhatſoevir colour or pretence of criminall actioun, or vthers

following therupon : and to this effect that ane supplicatioun be directit to his Majestie, that it might please his Hienes to sett downe ane ordinance for ratificatioun of the former statute, to the effect it may be receivit in all Judicatories.

Item, It is statute, if any person or persons quho hes conformit himselfe to the true religioun presentlie profess within this realme, and hes subscrivit the Confessioun of the Faith, and receivit the Communioun, if at any tyme heirafter he or they doe not haunt the ordinar exercises of religioun, being admonischit be thair ordinar Pastour trina admonitione [directed from the Sessioun of the Church,] the same being proven salbe ane sufficient cause to punish them as hald and repute apostates.

Item, It is statute and ordainit, that quhatsumevir person, known of before tyme to have bein a Papist, and after his reconcileing to the Kirk, he salbe tryed and found to weare and beare vnder person Agnus Dei, beids, croces, crucifixes, or to have in their houses idols and images, or in thair bookes sick things as befor they have superstitiouslie vsed, the samein fall inferre just suspitioun of apostasie, and falling back in the saids errors; and they being convict thereof, salbe haldin and repute as apostates.

Item, It is statute and ordainit in all tyme heirafter, quhensoever any Minister fall receive any Papist returning from his errors to the bosome of the Kirk, that at the tyme of his receiving, the Minister fall first take his aith solemnlie sworne, that he fall declare the veritie of his faith and beliefe in every particular point and article, contained in the Confessioun of the Faith, quhilk salbe speirit at him; and that immediatlie therafter the said Minister fall examine him particularlie vpon everie heid conteinit in the Confession of Faith, and receive his particular answer therupon affirmativé, conforme to the samein; vtherwayes that he fall not be receivit.

Item, It is statute anent the wyves of Noblemen, Gentlemen, and others professing Papistry, quho resetts traffiqueing Papists, Jesuites, and Seminarie Preists, as if the same were done against the will and knowledge of thair husbands, that all such wemin salbe callit and conveinit for the said receipt and intertainment; and thair being convict therfor, that they salbe wardit ay and quhill they find sufficient caution to abstaine from the lyke receipt or intertainment, in any tyme comeing, vnder a certaine paine; but prejudice of any actioun that may be competent against thair husbands, conforme to the laws of this realme.

Item, Because the speciall cause of increase of Papistrie procede vpon

the not putting to execution of the statutes and acts of Parliament made against traffiqueing Papists, Jesuites, and Seminarie Priests; that therfor a supplicatioun be directit to his Majestie, that it will please his Hienes to take such ordour, that the loveable lawis and acts of Parliament, made be his Majestie in tymes bypast against traffiqueing Papists, Jesuites, and Seminarie Priests, may be put to executioun, in all tymes comeing, with all severitie.

Item, It is ordainit, that the hail names of Papists recusants, within this realme, be givin in be the Commissioners of this present Assemblie, to the Clerk, to be delyverit be him to the Archbischops of Sanct Androes and Glasgow, conforme to thair severall Provinces, to the effect they may be callit and conveyit before them in the Hie Commiſsioun, and punished as accords; but prejudice alwayes of vther ecclesiasticall censure, and discipline of the Kirk, statute aganis them of befor.

Item, It is ordainit, that every ane of the Ministrie give up the names of such of thair paroch as hes past furth of the countrey, and not found cation for thair behaviour, and sincere professioun of the religioun, soorth of the samein, conforme to the act of Parliament, to the effect they may be callit, conveyit, and punischt conforme to the said act.

Item, It is ordainit, that the whole names of the persons excommunicat within this realme, quhilk falbe givin vp be the Commissioners, be delyverit to the Bischop of every Dyocie, quho sall delyver a catalogue of the names to every Minister within his Dyocie, ordaining every Minister to make publick intimatioun thereof, at every ane of thair paroch kirks, vpon Sunday, in tyme of divyne service, that no man pretend ignorance of the same; chargeing and inhibiteing every ane of thair paroch, that they neither receipt the said excommunicants, nor intercommune with them: certifieing them and they doe in the contrair, they falbe callit and conveyit as receivers of traffiqueing Papists and excommunicat persons, and be punischt for the same.

Item, The Assemblie recommends to the care of Bischops within thair Dyocies, and Ministers within thair congregatiouns, to travell with noblemen, gentlemen, and burgeses, that ther be ordinar exercise of reiding and prayer within thair houses, as also ane prayer for the Kings Majestie and his children, after every meale: [And that the Minister of every parish haunt the houses to see the same observed.]



Sessio 3<sup>a</sup> 15 Augusti 1616.

Item, Because ther are some pamphletts and bookes full of calumnies, quyetlie sett foorth, and spred within this countrey be the Papists, and enemies of the true religioun : Therfor the Assemblie hes ordainit, that Mr William Scott, Minister at Couper, and Mr William Struthers, Minister at Edinburgh, [the Laird of Corse, and the Bishop of Galloway,] fall make ansuers to the saids bookes and pamphletts, to the effect that therby the peiple may be instructit how to beware of the samein, and the said errors and calumnies may be refutit.

Item, Because it is certainly informed, that certaine women taks vpon them to bring vp the youth in reiding, sewing, and vther exercises in schooles ; vnder pretext and collour quherof, traffiqueing Papists, Jesuites, and Seminarie Preists hes their appointit tymes of meeting : at quhilk tymes they catechise and pervert the youth in their young and tender age, in such sort that hardlie thereafter, by great paines and travells, can they be brocht fra their errors to the acknowledging of the trueth presentlie professit within this realme : It is therfor statute and ordainit, that it fall not be leifum to quhatfumevir person or persons to hold any schooles for teaching of the youth, or to teach them therin, except they first have the approbation of the Bishop of the Diocie, and be first tryit be the Ministers of the Presbytrie, quher they dwell, and have their approbation to the effect forsaid.

Item, Because ther is a great abuse in peiple passing to pilgrimages to wells, to trees, and auld chappells ; as likewayes in putting vp of bane-fyres : Therfor it is ordainit, that the brethren of the Ministrie be diligent in teaching of the peiple, and preaching against such abuses and superstition, to the effect they may be recallit from the saids errors : as lyke-wayes that the Ministrie take diligent tryall of the names of those quho haunts these pilgrimages, and to delate the same to the Archbishops of Sanct Androes and Glasgou, every ane within their awin provinces, to the effect they may be callit befor the Hie Commiissioun, and punischt for the same. It is lykways ordainit, that thair names be delyverit to the Justices of Peace, with the places of thair pilgrimages, and dayes of thair meetings ; and that they may be requisit and delyrit to attend vpon the

saides dayes of thair meetings, and to disturb and divert them therfrom, be apprehending and punishing of them.

Item, It is ordainit, that every Minister give vp the names of ydle songsters within thair parishes to the Justices of Peace, that they may be callit and conveyit befor them, and punishit as ydle vagabounds, conform to the Acts of Parliament, and power given to the saides Justices of Peace theranent.

Item, Because it is found, that diverse of the said Jesuites, traffiqueing Papists, and Seminarie Preists goes about, vnder the colour and pretext of Doctours of Phylick and Apothecaries, deceiving and perverting the peiple from the true religioun profest within this countrie: Therfor ane supplicatioun wald be direct to his Majestie, that it wald please his Hienes to statute and ordaine, that none heirafter be sufferit to vse and exercise the office of ane Doctour of Phylick or Apothecar, quhill first he have ane approbatioun from the Bishop of the Dyocies, quher he maks his residence, of his conformitie in religioun; as lykewayes from the Vniversitie, quher he learnit and studied, of his qualificatioun and sufficiencie in the said art.

The quhilk day compeirit in presence of the haille Assemblie John Gordoun of Buckie, in name, and at the directioun of ane noble and potent Lord, George Marqueis of Huntlie, and presentit a petitioun, direct be the said George Marqueis of Huntlie, to the said Assemblie, subscrivit with his hand, craving to be absolved orderly from the sentence of excommunication, and desyring ane ansuer of the same to be given be the Assemblie; quherof the tenour followes, as is to be found in the end of this Assembly.\*

The Bishop of Sanct Androes presented ane letter direct from the Archbischop of Canterburie, together with ane vther letter from the Kings Majestie, concerning the absolutioun of the said Lord Marqueis from the sentence of excommunicatioun made be the said Archbischop of Canterburie, quhilk were both red in presence of the said Assemblie, and ordainit to be registrat in the Acts of the Generall Assembly ad perpetuam rei memoriam, quherof the tenour followis:

Heir to insert the two letters quhilk is to be found afterward.\*

With the quhilk the Assemblie being rypelie advisit, hes thocht it most expedient, that the said Marqueise compeir in the presence of the haille Af-

\* The documents referred to are not contained in the two MS. copies of B. U. K. Advocates Library, nor in the MS. or printed copies of C. to which we have had access.

femblie, ther to testifie his conformitie in the points of religioun, and resolutioun to abide therat; and swa to be absolvit from the sentence of ex-communicatioun pronuncit against him: And, therfor, ordains the said John Gordoun of Buckie to advertise the said Lord Marqueis, that he compeir befor the Assenblie, on Wednesday nixt to come, the xxj day of August instant, to the effect forsaide: And for the better furtherance heirof, the Assenblie hes desyrit the Lord Commiffioner, and Lord Archbischop Moderator, to wryte thir letters to the said Lord Marqueis for the causes forsaids: and the whole Assenblie was charged to stay while that time.

[The Bishop of Canterburie excuses Huntlies absolution in England. The reasons moving the Bishop of Canterburie. 1. His Majesties sute, assuring him that he was fully resolved. 2. The Bishop of Sanct Andrewes had requested him divers times to further that mans conversion, whensoever occasion was offered. 3. He was resolved by the best learned in England, that he might absolve him. 4. That he did it of brotherly affection, and not as claiming any superiority over the Kirk of Scotland. 5. He was informed be the Bishop of Cathness then present at Court, that it would be acceptable service to the Kirk of Scotland. C.]

Decimo sexto Augusti, 1616.

The said day, the Lord Commiffioner for his Majestie produceit certaine instructiouns, direct by his Majestie to the said Lord Commiffioner, to be proponit to this present Assenblie, anent the provisioun of the remedie for the defectioun and falling away of many from the trueth: quherof the tenour followeth:

Instructiouns to our right trustie and welbelovit Cufigne and Counsellour the Erle of Montrois.

[1. That order be taken with the delapidation of benefices, and the progress thereof stayed, and some means devysed to recover that which is lost.

The Assenblie thought good, that the determination of this matter should be referred to some of the most wise and discreet of the Ministrie to consult and advise thereupon. And, in the meantime, it is statute, that no Bishop,

Minister, or beneficed person, sett or ratifie any tack under the paine of deposition, till order be taken be the said Commissioners thereanent.

2. That the chief burrow touns be planted with sufficient, wise, learned, and peaceable men ; especially such places as are now vacant, as Aberdeen, Perth, Edinburgh and Bamfe, &c.

3. That the most learned, discreet Ministers be appointed and transported to places where Noblemen has their residence, specially suspect of Papistry ; and if the means of the provision be small where they are transported, to take the rents and stipend which they had before with them, till better order be taken : and to this effect the Assembly ordaines, that ilk Bishop within his Diocye, with advice of the Synod, shall transport Ministers as they shall think expedient.

4. That special canon be made, that all Archbishops and Bishops in their visitation, either be themselves, or if they may not overtake the same, the Ministers of the parish make all young children of six years old be presented to them, to give confession of their Faith, that they may appear in what religion they are brought up. After which every two or three years they shall be examined, till they come to 14 years of age. After sufficient growth of knowledge they may be admitted to the Communion : and that punishment be appointed for them that presents them not, or are negligent in their instruction.

5. That a true and simple Confession of Faith be set down, to the which all shall sweare before they be admitted to any office in Kirk or Commonweale ; and all students in Colledges.

6. That a short and compendious Catechism be made, which every kirk and familie shall have for the instruction of their children and servants, whereof they shall give account before the Communion, and every one be examined conforme thereto.

7. That all children and schools shall have and learn be heart the Catechism, intituled God and the King ; which already, be Act of Consell, is ordained to be read and taught in all schooles.

8. That a Liturgie be made, and form of divine service, which shall be read in every church, in common prayer, and before preaching every Sabbath, be the Reader where there is one ; and where there is none be the Minister before he conceive his own prayer, that the common people may learn it, and by custom serve God rightly.

9. That the Communion be celebrat four times ilk year in the burrow touns, and twice in landwart ; and one of the times to be at Easter yearly. And if any communicat not once in the year, the act of Parliament is to strike upon them with all severity.

10. That there be an uniformity of discipline ; and to that effect the Canons of the former Counsils and Affemblies to be extracted ; and where the same are defective, to be supplied be former Canons and Ecclesiastical meetings. For setting down whereof, the Commissioners following are ordained to convene with the Bishops, in Edinburgh, the first day of December next to come, viz. the Laird of Corse, Mr John Reid, Mr George Hay, Doctor Philip, Mr David Lindsay in Dundie, Mr William Scott, Doctor Howit, Mr John Mitchelson, Mr Patrick Galloway, Mr John Hall, Mr Edward Hephburn, Doctor Abernethy, Mr Robert Scott, Mr William Birnie, Mr William Areskine, or the most part of them.

11. For the help of the posterity, and furtherance of religion, that a special care be taken of the Divinity Colledge in Sanct Andrews ; and to that effect, that every Diocie shall furnish two Students, or so many as may make the number to extend to twenty six ; and the half thereof to be children of poor Ministers, to be preferred be the Bishop of the Diocie : providing always, that these who are furnished within the Province of Glasgow, that is to say, the Diocies of Glasgow, Galloway, Argyle, and the Isles, shall be brought up in the College of Glasgow ; and not be aftricted to Sanct Andrews, but when they pass Doctours only.

12. That none teach in pulpit publicly before the people, but these that have received imposition of hands ; and whosoever does otherways be incapable of the Ministry.

13. That every Minister shall minister the Sacrament of Baptism quhensoever it shall be required, under the pain of deposition ; the godfather promising to instruct the infant in the faith.

14. That every Minister have a Register of baptisms, mariages, and defuncts, within the parish, to be presented to ilk Synod : For doing whereof, it is statute, the Ministers, their wives, and executors shall have the quotts and confirmation of their testaments free. C.]

Quhilk being red in audience of the hail Affemblie, they give most humble thanks to his Majestie for the great care and sollicitude his Majestie

alwayes tooke for the advancement of the glorie of God, and professioun of the true religioun within this realme, and holding downe and suppressing of Papistrie and superstitioun within the same: And as to the saids instructiouns, the brethren was ordainit to advyse therwith quhill the morne.

Decimo septimo Augusti, ante meridiem.

Anent the saids instructiouns directit from the Kings Majestie to this Assemblie, the said Assemblie being rypelie advysit therwith, hes statute and ordainit, as followeth.

In the first, Concerning the causes of the defectioun and falling away of many from the true religioun in this kingdome, and the remedies therof, the Assemblie hes sett them downe in the articles made befor in this present Conventioun: And therfor most humblie desyres his Majestie to confirm and allow them, and make them receive executioun.

Item, Because the laik of competent maintainance to Ministers is the cheefe cause of the evill, quhilk lay vpon this Kirk, quhilk for the most part procedeis from dilapidation of benefices: to the effect therfor, that the progresse of that mischeife may be stayit, and some meanes devysit to recover that quhilk by iniquitie of tyme hes bein lost, the Assemblie remitts the tryall, cognitioun, and whole dispositioun of this matter to the Commissioners appointit from this Assemblie, for the causes underwrytin: And in the meantyme inhibites and discharges all Ministers quho are beneficit persons, and vthers quho are members of any Chapter, to sett in tack or assedatioun any part of thair benefices, either in long or short tackis, to quhatsumevir person or persons; or as members of Chapter to give thair consents to any tack or assedatioun sett be vthers, quhill the saids Commissioners have conveynit and takin ordour anent delapidatioun of benefices, and forme and maner of setting of tacks, vnder the paine of excommunicatioun of the persons settlers of the saids tacks and consenters therto; and deprivation of them from thair benefices.

Item, Because the provisioun of learnit, wise and peaceable men to be Ministers at cheife Burrowstounes in vacant places, sicker as Edinburgh, Perth, Aberdeen, Bamfse, and vther places vacant, is ane most effectuell meane to roote out Poperie, and perpetuat the professioun of the true religioun: It

is therfor ordainit, that the Burrowtounes be provydit with the most learnit, wife and peaceable men that may be had. And because the Commissioners for the Towne of Edinburgh hes no commissioun from the said towne, anent the provisioun of Ministers to the vacant places in the said Kirk: Therfor the care thereof is remittit to the saids Commissioners, to quhom it salbe injoynt in thair commissioun, that they lie the same performit. And as to Perth, the Assemblie ordaines my Lord Bishop of Galloway to deale with the Commissioners of the Towne of Perth, for provisioun of that vacant place. And sicklyke ordaines the Provest of Aberdein to advyse with the Counsell, anent the planting of the said Kirk; to the effect sufficient and qualified men may be nominat and provided to the said places, befor the dissolving of this Assemblie.

Item, Because a special care should be had of Noblemen thair residence, cheiflie of such as were thoght to inclyne towards Poperie: Therfor the Assemblie statutes and ordaines, that the Lords Archbischops and Bischops, with the advyce of thair Synods, take care that most learnit and discreit persons of the Ministrie be appointit to attend the saids places, and be transportit therto, sick as to the Kirks of Dumbenen, Bellie, Northberwick, Cockburnespath, Peilay, and such other places quher Noblemen makes residence, cheifly those quho are thought to inclyne towards Poperie; and that they have a care of thair mantenance and sufficient provisioun: And if the same be small, that these that are appointit to attend at the saids Kirks, carrie thair livings and rents with them, quhill farder order be takin.

Item, Forfameikle as one of the most speciall meanes for staving of the increafe of Poperie, and settling of the true religioun in the hearts of the peiple, is, that a speciall care may be takin in the tryall of young children, thair educatioun, and how they are catechisit; quhilk, in the tyme of the primitive Church, was most carefullie attendit, as one of the most effectuell meanes, to cause young childrein in thair verie tender zeirs drink in the true knowledge of God and his religioun; bot is now altogether neglectit, in respect of the great abuse and errours quhilk creip in in the Popish Church, vpon the said good ground, be bigging thervpon ane Sacrament of Confirmatioun: Therefore to the intent that all errours and superstitioun quhilk hes bein biggit vpon the said ground, may be rescindit and takin away, and that the matter itselbe being most necessar for educatioun of youth, may be reduceit to its awin integritie, It is statute and ordainit, that

the Archbifchops and Bifchops, in the vifitacioun of the Kirks, either be themfelves, or quher they cannot overtake the buſſines, the Miniſter of the paroch, make all young childrein of fix zeirs of age be preſentit befor them, and to give the Confefſioun of Faith, that ſo it may appeare in quhat religioun they have bein brocht vp; and that they be commendit to God by ſolemne prayer at the tyme, for the increaſe of thair knowledge, and continuance of his grace with them. After that tryall, that the Miniſter of the paroch, every two or thrie geir, ance at the leaſt, reexamine them, that after ſufficient growth in knowledge they may be admittit to the holie Communioun. And it is deſyrit, that ane ſupplicacioun be directit to the Kings Majestie, humblie craueing that it wald pleaſe his Hienes to injoyne ane puniſchment vpon ſuch parties, as either doe not preſent thair childrein, or falbe found negligent in thair right inſtruſtioun; and that they be callit and conveint therfor befor the High Commiſſioun.

Item, It is ſtatute, that the ſimple Confefſioun of Faith vnderwrytin be vniverſallie receivit throughout this whole kingdome, to the quhilk all heirafter ſalbe bound to ſweare and ſett thair hands; and in ſpeciall all perſons that beare office in the Church, at thair acceptatioun of any of the ſaids offices; and lykewayes Students and Schollers in Colledges: Of the quhilk Confefſion the tenour followes.

Heir to inſert the Confefſioun of Faith.\*

Item, It is ſtatute and ordainit, that a Catechiſme be made, eaſie, ſhort, and compendious, for inſtruſting the commoun fort in the articles of religioun, quhilk all families ſalbe ſubieſt to have, for the better informatioun of thair childrein and ſervants, quho ſalbe holdin to give accompt therof in thair examinatiouns befor the Communioun. And for the better effectuating heiroy, the Aſſemblie hes ordainit Mr Patrick Galloway and Mr John Hall, Miniſters at Edinburgh, and Mr John Adamſone, Miniſter at Libbertoun, to forme the ſaid Catechiſme, and to have the ſame in readines, befor the firſt day of October nixt to come, to the effect the ſame may be allowit, and printit with the Kings Majesties licence: The quhilk Catechiſme being ſo printed, it is ſtatute and ordainit, that no vther heirafter be printed within this realme, nor vſed in families for inſtruſtioun and examinatioun of thair bairnes, ſervants, nor the peiple in all tyme coming.

Item, It is ſtatute and ordainit, that ane vniforme ordour of Liturgie or

\* Printed at the end of this Aſſembly.



Divyne Service be sett down to be red in all kirks, on the ordinarie dayes of prayer, and every Sabbath day befor the fermoun, to the end the commoun peiple may be acquaintit therwith, and by custome may learn to serve God rightlie. And to this intent, the Assemblie hes appointit the saids Mr Patrick Galloway, Mr Peter Ewat, Mr John Adamfone, and Mr William Erskine, Minister at . . . . . to revise the Booke of Commoun Prayers containit in the Psalme Booke, and to sett downe ane commoun forme of ordinarie service, to be vsed in all tyme heirafter; quhilk salbe vsed in all tyme of commoun prayers [in all kirks quher there is exercise of commoun prayers;] as lykeways be the Minister before the fermoun, quher ther is no Reidar.

Item, It is statute and ordainit, that in all tyme heirafter, the holie Communioun be celebrate in all kirks within this realme, at the tymes following, viz. in Burrowstounes, the Communioun salbe celebrate foure tymes in the geir, and twyse in the geir in landwart Kirks; fwa that ane of the tymes, as weill to Burgh as to Landwart, salbe at the terme of Easter geirlie: and if any person fall not communicat geirlie ance in the geir, at one of the forsaide tymes, that it be humblie requyrit of his Majestie, that the penaltie of the act of Parliament may be exactit of such persons with all rigour.

Item, It is thocht most necessar and expedient, that ther be ane vniforme ordour of Church Discipline throughout all the Kirks of this kingdome; and to that effect it is statute and ordainit, that a Booke of Canons be made, publised in wryte, drawin foorth of the bookis of former Assemblies; and quher the same is defective, that it be supplid be the Canons of Counsells and Ecclesiasticall Conventiouns, in former tyme: The care quherof the Assemblie be thir presents committs to the Right Reverend James Archbishop of Glasgou, and Mr William Struthers, Minister at Edinburgh, quho fall put in forme the said Ecclesiasticall Canons, and present them in wryte to the Commissioners appointit be this Assemblie, to quhom power is givin to try, examine [and allow the same;] and after thair allowance and approbatioun thereof, to supplicat to his Majestie, that the same may be ratified and approved by his Royal authoritie, with priviledge to put the same in print.

Item, It is statute and ordainit, that for the help of posteritie, and to continue the light of the Gospell with ages to come, the Divinitie Colledge foundit at Sanct Androes, quhilk sould be the seminarie of the Kirk within this realme, be maintainit and vpholdin, and ane speciall care takin therof.

And because the rent therof is meane for the present, it is ordainit, that for the provisioun of some students in Divinitie, every Dyocie fall intertaine two ; or according to the quantitie of the Dyocie so many, as the number may arise to twentie fixe in haill, respect being had to the meannes of some Dyocies, and greatnes and power of vthers ; so that the least Dyocies in thair contributioun shalbe helped and easit be the greater : In the quhilk number it is ordainit, that the halfe at leist be the sonnes of pure Ministers, and be presentit be the Bishops of the Dyocies to the place.

Item, The Assemblie ratifies and approves the former Act made in the Assemblie haldin at Halierudehous, the tenth day of November 1602, anent the sacrament of baptisme, that the same be not refuseit, if the parent crave the same, he giving a Christian confessioun of his faith, vpon any vther particular pretence of delay to tyme of preaching ; with this extension and additioun, that baptisme fall no wayes be denyed to any infant, quhen either the parents of the infant, or any faithfull Christian in place of the parents, fall requyre the same to the infant ; and that the same be granted any time of day, but any respect or delay till the houre of preaching.

Item, It is ordainit, that every Minister have a perfyte and formall Register, quherin he fall have registrat the particular of the baptisme of every infant within his paroch, and quho wer witnesses therto ; the tyme of the mariages of all persons within the same ; and the special tyme of the buriall of every ane deceisand within thair parochin ; and that they have the same to be in readines to be presentit be every ane, at thair nixt Synod Assemblie, vnder the paine of suspensioun of the Minister not fulfilling the same, from his Ministrie. And it is desyrit, that the saids Commissioners, in thair supplicatiouns direct to his Majestie, wold crave humblie that his Majestie wald ordaine the extract fourth of the saids Registers to make faith in all tyme comeing : and quho so observes this Act, the Archbishops and Bishops fall let them have thair quotes of thair testaments gratis.

#### Acta Sessione ultima.

The quhilk day, in presence of the whole Assemblie, compeirit ane noble and potent Lord, George Marqueis of Huntlie, and declarit, that he had directit of befor John Gordoun of Buckie to present his supplicatioun to this present Assemblie, quherof the tenour is insert before ; lykeas of new

he reiterat the said supplicatioun, declaring the sorrow and greife he had conceivit, in that he had lyin so long vnder the fearefull sentence of excommunicatioun; and, therfor, most humblie desyrit to be absolvit from the same; lykeas he faithfullie promised, in face of the haill Assemblie, to perform and fulfill the heids and conditiouns vnder specifeit, viz.:

First, The said noble Lord faithfullie promised befor God, his hand holdin vp, to professe and abyde be the true religioun presentlie professit within this realme, and allowit be the laws and acts of Parliament of the same.

2. He faithfullie promised to communicat at the first occasioun he should be requyrit, and so to continue, conforme to the ordour of the Kirk.

3. He sould cause his childrein, servants, and haill domesticks be obedient to the Kirk and discipline therof; and sould cause them haunt the kirk at ordinar tymes of preaching.

4. He sall not receive Papists, Jesuites, nor Seminarie Preists in his house, nor nane of his lands; but put them out of his bounds with all diligence.

5. He allows the Confessioun of the Faith presentlie sett downe be the said Assemblie; and in token of his constant confessioun and professioun therof, he hes subscryvit the same in presence of the haill Assemblie.

Quhilk haill promises above specifiet, the said noble Lord protests and declares that he hes made and subscryvit truelie and with ane honest heart, but any equivocatioun, mentall reservatioun, or subterfuge quhatsumevir, devyfit be the Romisch Kirk and thair supposts.

Attour, The said noble Lord faithfullie promises to plant his whole kirks, quherof his Lordship hes the teinds in tack, possessioun, or vtherwayes, at the sight and conclusioun of my Lord Archbisshop of Sanct Androes, the Bishop of Murray, and the Laird of Corse, vnto whose modificatioun the said noble Lord submitts himselfe, be the tenour of thir presents, giveand them power to modifie compleit stipends to the saids kirks; and as they salbe modified be them, he oblisches him to make payment of the same to the Ministers provydit or to be provydit to the said kirks.

And in respect of the premiffes, the Assemblie ordainit the said noble Lord to be absolvit from the sentence of excommunicatioun led and deduceit aganis him befor:

Conforme quherto, the Right Reverend Father John Archbisshop of Sanct Androes, Moderatour, in face of the haill Assemblie, absolvit the

saïd noble Lord, George Marqueis of Huntlie, from the saïd sentence of excommunicatioun, led and deducit against him, and receivit him againe into the bosome of the Kirk.

The quhilk day, the Generall Assemblie of the Kirk of Scotland presentlie conveyit, having entrit in consideratioun of the causes of the defectioun and falling away of many from the true religioun, and having found the lack of the competent mantenance to Ministers not to be the least cause of the evills, quhilk lyes vpon the Kirk presentlie; the ground and fundament quherof, for the most part, hes proceidit from the dilapidatioun of benefices, with the quhilk if some solid ordour be not takin in tyme, the same is apparent to bring foorth greater evill and desolatioun in this Kirk: And seeing that the Kings Majestie hes requirit, that ordour may be takin with the saide delapidatiouns, Therfor, in respect the same cannot be suddenly done, but will requyre ane lang tyme and mature deliberatioun, the Assemblie hes givin, grantit and committit, lykeas they, be the tenour heirof, gives, grants, and committs thair full power and commissioun to the brethren vnderwrytin; they are to say, the Reverend Fathers in God, John Archbischof of Sanct Androes, James Archbischof of Glasgow, Alexander Bischof of Dunkeld, . . . . . Alexander Bischof of Murray, Patrick Bischof of Ross, William Bischof of Galloway, Andro Bischof of Brechin, Andro Bischof of Orkney, Alexander Bischof of Cathness, Adame Bischof of Dumblaine, Andro Bischof of Argyll, Andro Bischof of the Isles, Patrick Forbes of Corse, George Douglas, Minister at Cullen, Mr John Reid, Minister at Logie Buchan, Mr George Hay, Minister at Turreff, Doctour Hendrie Philip, Minister at Arbroth, Mr David Lindsay, Minister at Dundie, Mr William Scott, Minister at Couper, Doctour Robert Howie, Rector of Sanct Androes, Mr John Mitchelfone, Minister at Bruntland, Mr Patrick Galloway, Mr John Hall, Mr William Struthers, Ministers at Edinburgh, Mr Robert Scott, Minister at Glasgow, Mr Edwart Hepburne, Minister at Haugh, Doctour John Abernethie, Minister at Jedburt, Mr William Birnie, Minister at Air, Mr William Erskine, Minister at . . . . Giveand, grantand, and committand to them, or the most part of them, thairfull powerand commissioun to conveye at Edinburgh, the first day of December next to come, in this instant zeir of God 1616, and ther to take ordour with the dilapidatioun of benefices, and to sett downe solid grounds how the progresse of that mischeife might be staved, and to devyse

vpon some meanes to recover and restore the estate of these benefices, quhilk be iniquitie of tyme hes bein losit ; and if neid beis, to call and persew befor them these quho hes made the saids dilapidatiouns, and punisch them therfor ; and as they fall conclude, the same to be inactit, and have the force of this present Assemblie : With power lykewayes to the saids Commissioners, or the most part of them, as said is, to take ordour anent the planting of sufficient and qualified Persons in burrowtounes presentlie vacand, and are not plantit at this present Assemblie : With power lykewayes to receive from the right Reverend Father, James Archbishop of Glasgou, and Mr William Struthers, Minister at Edinburgh, the Canons of Church Discipline committit to thair charge, and to revise the samein, allow and disallow therof ; and to direct a supplicatioun to his Majestie, desyreing that it wold please his Hienes to ratifie and approve the samein, and to warrant the printing therof be his authoritie Royall.

[These words following were added by the Archbishop :

Item, Power to receive the books of Liturgie or Divine Service, allow and disallow thereof, as they shall think expedient ; and the same being allowed, to cause publish the same in print for the service, within the Kirks of all the kingdom : As also to revise the Confession of Faith presented to this Assemblie, and after mature deliberation to take order, that the same may be published : And in all these things to do as they will be answerable to God, and the Kings Majesty, and the Church. C.]

### The new Confession of Faith.

We believe with our hearts and confels with our mouths these Articles of Religion following.

That God is a Spirit immutable, eternal, infinit in power, in wisdom, in goodness and glory ; from whom, be whom, to whom are all things, in whom we live, in whom we have our being ; who is one only God, and three Persons, which are coessential, coeternal, and coequal. The first is the Father, who is of none. The second is the Son, who from all eternity is begotten of the Father. The third is the Holy Ghost, who from all eternity proceedeth from the Father and the Son. This glorious God from all eternity, out of his wisdom and infinit knowledge, decreed all things that were after to be done. This God, before the foundation of the

world was laid, according to the good pleasure of his will, for the praise of the glory of his grace, did predestinat and elect in Christ some men and angels unto eternal felicity ; and others he did appoint for eternal condemnation, according to the counsel of his most free, most just and holy will, and that to the praise and glory of his justice.

In the beginning of time, when God created of nothing all things in heaven and in earth, visible and invisible, he made them very good ; and above all things he made man and angels conform to his own image, in righteousness and true holiness : but some of the angels of their own free motive sinned against God, left their original, forsook their habitation, and abode not in the truth, and thereby became damned devils.

Then Satan abused the craftie serpent for his instrument, seducing our mother Eva ; she tempted her husband Adam : So both disobeyed the commandment of God, and thereby made themselves and their whole posteritie the bondmen of Satan, slaves of sin, and heirs of eternal damnation.

By this fall of Adam all his posterity are so corrupted, from their conception and nativity, that not one of them can do, or will any thing truly acceptable to God, till they be renewed by the will and Spirit of God, and by faith ingrafted in Jesus Christ.

This our original and native corruption by regeneration in part is weakened and mortified ; yet it is sinne indeed remaining in us, alwayes lusting against the Spirit, and tempting us to sin actually, as long as we live.

Albeit all mankind be fallen in Adam ; yet only these who are elected before all time, are in time redeemed, restored, raised, and quickned again, not of themselves, or of their works, lest any man should glory : but only of the mercy of God through faith in Jesus Christ, who of God is made unto us wisdom and righteousness, sanctification and redemption ; that according as it is written, He that glorieth, let him glory in the Lord.

This then is life eternal to know the true God, and whom he hath sent Jesus Christ : whereas vengeance shall be taken on all them that know not God, and do not subject themselves to the Gospel of the Lord Jesus Christ, by the obedience of faith.

We believe, that the rule of this knowledge, faith, and obedience, yea and of the whole worship of God, and of all christian conversation, is not the wit nor will of man, nor unwritten traditions whatsoever ; but the wisdom and the will of God, which is sufficiently revealed in the Canonical

Scriptures of the Old and New Testament, which are Genesis, Exodus, &c. exclusis Apocryphis.

We believe, that the authority of the holy Scriptures is divine ; for they are all of divine inspiration, and have God for their author ; their authority depends upon God, and not upon man ; they have power over all flesh, and no creature has power over them. We are absolutely bound to believe them for their own testimony, which is the testimony of God himself speaking in them ; and our faith dependeth not upon any external testimony of the Kirk witnessing of them. All things necessary to salvation are contained therein ; all the doctrines of the Kirk must be warranted be them ; all controversies of the Kirk must be decided be them, as the lively and plain voice of God, who is supreme Judge in matters of faith and worship.

We believe, that all points of faith and worship are so fet down in the Word of God, that what is obscurely proponed in one place, is most clearly expounded in other places ; neither receive we any interpretation of any Scriptures in these matters, which is not warranted be other Scriptures.

These holy writts are delivered be God to his Kirk, to make us wise unto salvation by faith in Jesus Christ, whose person, office and benefits they most clearly and fully sett furth unto us.

The Lord Jesus Christ is declared in Scripture to be the eternal Son of God, begotten from all eternity of the Father, by whom he created the world, by whom also he does sustain and govern all things that he has made : And this Eternal Son of God, when the fulness of time came, was made man of the woman, of the tribe of Judah, and of the seed of David and Abraham, even of the blessed virgin Mary, by the Holy Ghost coming upon her, and the power of the most High overshadowing her, by whose marvellous and divine operation, the Son of God was made man of a human body and soul, and in all things like unto us, sin only excepted ; and yet so he was made man, that he ceased not to be God ; and so is God that he is also man, having both the natures, divine and humane, united together in a personal union ; so that in ane admirable Person the two natures are distinct, and not confounded in respect of their essence, their essential properties, and proper operations.

And because of the union of the nature of man in one person with the Son of God, Christ, God and Man, is to be adored and worshipped of us : for to Christ, God and Man, all power in heaven and earth is given, and

he hath gotten a name above every name, that at the name of Jesus every knee should bow.

The purity of the human nature of Christ is to be ascribed to the supernatural operation of the Holy Ghost, who separated the seed of the woman from the natural corruption, and not to the purity of the virgin Mary his Mother : for she doubtless was conceived and born in sin, and had need of her Son to be her Saviour, as well as other women.

The Lord Jesus Christ, as God and Man, is the Saviour of his Kirk, which is his body ; and the fulness of him filleth all things ; neither is there salvation in any other thing.

This blessed Lord has fulfilled the whole law for us, to our behove, and in our place, both doing all that the Law requireth of us, and suffering the punishment due to our disobedience, even the curse of the Law, and death of the cross, whereby the fulfilling of the Law, our redemption was sealed and consummated.

We believe, that as he died for our sin, and rose for our righteousness, so he ascended to heaven, to prepare a place for us, and sitteth at the right hand of God, to make intercession for us, and is able perfectly to save them that come to God by him ; who albeit in his manhood he be so in the heaven, that he is no more in the earth ; for the heavens must contain him, till he come to judge the quick and the dead ; yet in his Godhead he is so present every where, be his power sustaining all things, and be his gracious Spirit directing and governing his Kirk militant upon earth.

We believe, that the Lord Jesus Christ was appointed and anointed of the Father to be the King, and High Priest, and supreme Teacher of his Kirk.

We believe concerning his Prophetical Office, that he is the only master and teacher of his Kirk, whom God be his own voice from heaven commanded us to hear ; who has revealed the whole will of the Father touching our salvation ; and what he has heard of the Father, he hath made known to us, speaking nothing to his Kirk, which he did not before hear of his Father, that his Kirk might learn to receive nothing in faith and worship, which she has not heard of him.

As concerning his Priestly Office, we believe, that he is our only mediator both of redemption and intercession ; and that, by the sacrifice of himself once offered on the cross, he has made a full satisfaction for all our sins, and doth continually make intercession for us to God : And, therefore,



we abhorr that supposed reiterating of the sacrifice of Christ in the Masse ; and we renunce all kind of intercession of Saints and Angels.

As concerning the Kingdom of Christ, beside his absolute impire, whereby he ruleth all things, we believe him to be our eternal King, and only Head of his Kirk Universal : Neither he nor his Kirk hath any need of a Lievtenant Deput in his place ; seeing he is present in his Kirk alwayes be his Spirit, powerfully working therein, calling, collecting, quickning and graciously ruling in her, be the Ministry of the Word and Sacraments, to the consummation of the world.

We believe, that our communion with Christ our Head is spiritual, by the Holy Spirit, which dwelleth powerfully both in the body, and in the Head, making the members conform to the Head ; and it is no ways corporal, or by any fleshly receiving of his body.

We believe, that, be vertue of this communion, Christ is ours, and we are Christs, and his suffering is our satisfaction ; and by it we have right, title and interest in all the benefits, which he did promerit and purchase to us by his suffering.

We believe, that God justifies sinners by remitting of their sins, and by imputing to them the righteousness and obedience of Christ, whereby he fulfilled the whole Law in our place, both in doing the commandments thereof, and in suffering the curse thereof, which was due to us because of our disobedience.

We believe, that that righteousness, whereby we are justified before God, is not inherent in us, but in Jesus Christ ; and that it is freely given to us of Gods free grace, through our faith in Jesus Christ.

We believe, that we are justified by faith, as it is an instrument apprehending and applying the righteousness of Christ to us, and not as it is a quality and vertue inherent in us ; so that the meritorious cause of our justification is not in the faith which apprehendeth, but in the righteousness of Christ be faith apprehended.

We believe, that albeit we be not justified by good works before God, and can merit nothing at Gods hand ; yet they are the way to the Kingdom of God, and are of necessity to be done for obedience to God, for glorifying of his name, for confirming ourselves anent our election, and for good example to others : and constantly we affirm, that faith, which bringeth not furth good works, is dead, and availeth nothing to justification or salvation.

We believe, that the elect being renewed, are sealed with the Holy Spirit of promise, in such sort, that albeit they bear about in their flesh the remnants of that original corruption, and albeit they offend through infirmity, and through the intifements thereof sin grievously to the great offence of God: yet they cannot altogether fall from grace, but are raised again through the mercy of God, and kepted to salvation.

Concerning the certainty of our salvation, we believe, that every one of us in particular ought to be fully persuaded thereof, giving credit both to the external promise of the Word, and internal witness of the Spirit. And as for the doubtings thereof, which we often find in ourselves, we doe not allow; but contrariwise damne them, as the fruits of the flesh fighting against our faith.

We believe, that God has appointed his Word and Sacraments, as instruments of the Holy Ghost to work and confirm faith in man.

We believe, that the Word of God ought to be preached and the Sacraments administered, and all divine service, as praying and praising, in all languages known and understood by the people.

We believe, that the Sacraments are certain visible seals of Gods eternal covenant, ordained be God to represent unto us Christ crucified, and to seal up our spiritual communion with him.

We believe, that the Sacraments are to be ministered only be them, who are lawfully called thereto be the Kirk of God.

We believe, that the Sacraments have power to confirm faith, and confer grace, not of themselves, or ex opere operato, or force of the external action; but only by the powerfull operation of the Holy Ghost.

We believe, that there be only two Sacraments, appointed by Christ under the New Testament, Baptisme, and the Lords Supper.

We believe, that Baptism is necessary to salvation, if it can be orderly had: and that, therfor, not the want of it, but the contempt of it doth damne.

We believe, that Baptism sealeth up unto us the remission of all our sins, whereof we are guilty, either before or after our baptism.

We believe, that Baptism is to be ministered simply in the element of water, with the rite of dipping, washing, or sprinkling, in the name of the Father, Son, and Holy Ghost, according to Christs institution, without other element or sacramental rites devised be men.

We believe, that the Lords Supper is to be given to all communicants, under the elements of bread and wine, according to Christs institution.

We believe, that the elements of bread and wine in the Lords Supper, are not transubstantiated, or changed in the substance of the body and blood of Christ; but that they are sacraments of his body and blood, thus changing their use, but not their substance.

We believe, that the body and blood of Jesus Christ are truly present in the holy Supper, that they are truly exhibit unto us; and that we in very truth doe participat of them, albeit only spiritually and by faith, not carnally or corporally.

We believe, that the Lords Supper is a commemoration of the sacrifice of Christ, which once offered did fully expiat our sins. With his one sacrifice, once offered, we are all fully content, neither doe we seek any other expiatory or propitiatory sacrifice. But as for sacrifices of praise and thanksgivings, the sacrifice of a contrite heart, almes and charitable deeds, these we ought daily to offer, as acceptable to God in Christ Jesus.

We believe, that the sacrifice and merit of Christ is not applyed to us, by the work of a sacrificing Masse Priest; but by that faith, which is wrought in our souls by the Holy Ghost, whereby the sacrifice and merit of Christ is applyed to us; and being applyed to us becometh our satisfaction, attonement and merit.

We believe, that souls of Gods children, which depart out of this life in the faith of Jesus Christ, after the separating from their bodies, immediately pass into heaven, and there rest from their labours untill the day of judgment, at which time they shall be reunited with their bodies, and enjoy life everlasting with Christ: Likeas the souls of the wicked immediately pass to hell, there to remain till the day of judgment, which day, being conjoined with their bodies, they shall sustain the judgment of everlasting fire: and besides these two, a third place for souls we doe not acknowledge.

We believe, that there is an holy catholick or universal Kirk, which is the holy company of all these, who, according to the purpose of Gods eternal election, since the beginning of the world, were called, and, to the end of the world, shall be called to the Kingdom of Christ, and to the communion of eternal life in him.

We believe, that the true members of his Kirk are only the faithfull, who are chosen to life everlasting.

This Kirk we believe to be but one, and that out of it there is no remission of sins to salvation.

We believe, that this Kirk is partly triumphant in heaven, partly militant on earth. The whole militant Kirk on earth is divided in many and diverse and particular Kirks, which are visible and conspicuous to the eyes of men.

We believe not, that all these particular Kirks on earth are pure, but these only which continue in the doctrine of the Prophets and Apostles, according to the holy canonical Scripture, worshipping God purely, and ministering the Sacraments according to the same. And these be the true marks, whereby a true visible Kirk on earth may be discerned and known.

As concerning the worship of God, we confess and affirm, that all religious worship and service is only to be given to God, as his proper due and glory, which he will communicate to no other; believing firmly, that God is to be worshipped only according to his own will, revealed in his Word.

And, therfor, we abhorre all will worship, all invocation of Saints or Angels, all worshipping of images, crucifixes, reliëts, and all other things which are beside the true God.

We believe and confess, that God hath ordained Kings, Princes, and Magistrats, for the good of Commonwealth, for the better governing in the Kirk, and to be nurse fathers of the same: And, therfor, that all their subjects are bound in duty to obey them in all things they command lawfully, not repugnant to the will of God; and that they are obliged to pray for them daily, that under them they may lead a godly and peaceable life.

We believe and constantly affirm, that the Kirk of Scotland, through the abundant grace of our Lord, is one of the most pure Kirks under heaven this day, both in respect of truth in doctrine, and purity in worship: and, therfor, with all our hearts we adjoyn ourselves thereto, and to the religion publickly professed therein by the Kings Majesty, and all his true subjects, and authorized by his Majesties laws; promising be the grace of God to continue therein to the end of our life, according to all the articles which are here sett down: Which as we believe with our hearts, so we confesse with our mouthes, and subscribe with our hands; understanding them plainly as they are here conceived, without equivocation or mental reservation whatsoever. So may God help us in the great day of Judgment.

A. D. MD.CXVII.

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[The General Assembly was indicted by open proclamation, and sound of trumpet at the Mercat Crofs of Edinburgh, upon the 4th of November 1617, to be holden at Sanct Andrewes the 25th day of that fame month.

The Erle of Montrose was appointed be the King to be his Commiffioner ; but excufed himfelf with ficknefs by a letter fent to the Counfell four or five dayes before the time appointed for the Affembly. The Counfell fent the copy of the letter to the Bifhop of Sanct Andrewes. The Bifhop returned answer, that the Kings fervice muft not be neglected. So the Lords of the Secret Counfell gave commiffion to my Lord Binning Secretar, my Lord Carnegie, my Lord Killyth, the Lord Advocat, and the Treafurer Deputy, conjunctly, or to any three of them, to fupply his place.

After the reading of the Kings letter, wherein he willed them to conform to his defire, otherways declared he would ufe his own authority ; the brethren of the Conference were choſen. There was ſome reaſoning ; but the King and Bifhops purpoſe was withſtood, both in the Privy Conference and in the publick Affembly. The Bifhop defired that ſome brethren might be appointed to confider what ſhould be granted to give his Majeſty ſatiffaction. Mr Patrick Galloway and four others were appointed for this purpoſe. They devyſed theſe overtures following.

If any good Chriſtian, viſited with long ſicknefs, and known to the Paſtor, by reaſon of his preſent infirmitie, unable to reſort to the Church, for

receiving of the holy Communion ; or being sick shall declare to the Pastor upon his conscience, that he thinks his sickness to be deadly, shall earnestly desire to receive the same in his house, the Minister shall not deny the same ; so as lawful warning be given to him, at the least twentie hours before, and that there be six persons at least of good religion and conversation, free of lawful impediment, present with the sick person to receive ; who must also provide a convenient place in his house, and all things necessary for the Ministers reverent administration thereof, according to the order prescribed in the Church.

To remedie the irreverent behaviour of the vulgar sort, in receiving the holy Communion, it is found meet by this Assembly, that the minister himself shall in the celebration give the elements out of his own hand to every one of the Communicants, saying, when he giveth the bread, Take, eat, this is the bodie of the Lord Jesus Christ which was broken for you ; do this in remembrance of him : and that the Minister exhort them to be thankful. And when he giveth the cup, Drink, this is the blood of Jesus Christ shed for you ; do this in remembrance of him : and that the Minister exhort them to be thankful. And to the end the Minister may give the same the more commodiously, he is by advise of the Magistrates, and honest men of his Session, to prepare a table, at the which the same may be conveniently ministered, and gravely to exhort his people, that they communicate reverently, and shew a humble and religious behaviour in the receiving of the same.

Anent the remanent of the Articles proponed to the Assembly, the Assembly after long reasoning, in special anent preaching upon the dayes of the Nativity, Passion, Resurrection, Ascension of our Lord, and descending of the Holy Spirit, having considered, that a great number of Commissioners from Synods, Burrowes, and Gentlemen, in respect of the season of the year, distance of the place, and shortness of the advertisement, would not be present ; and that the most part of those who were assembled, are not resolved fully in some of these points proponed ; and that they are in all loyalty and obedience most willing to give his Majesty all satisfaction, and have agreed and promised to inform themselves anent the said Articles, wherof they presently stand in doubt, and to instruct their people, elders and parishoners by all means, that all offence, which may be taken, may be removed, have thought good, that (beside the two points, which are con-

cluded, especially to give remonfrance to his Majesty of their most willing affection) the rest of the said Articles shall be continued to the next Assembly; and to that effect, that a most humble supplication may be directed by his Majestys Commissioners, and the General Assembly, that it may please his Majestie of his gracious favour to grant a continuation, and to convocat an Assembly for decision of the matters, at such commodious times as his Majesty shall think expedient.

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A. D. MD.CXVIII.

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The General Assembly holden at Perth the 25 of August 1618 :  
Where, for obedience to His Majesties Proclamation, and particular Missives, the following persons convened.\*

His Majesties Commissioners, My Lord Binning Secretary, Lord Scoone, Lord Carnegie ; their Affessors, Sir Gideon Murray, Treasurer Deput, Sir Andrew Kerr of Fernihirst, Captain of the Guard, Sir William Oliphant, the Kings Advocat, and Sir William Livingstoun of Kilsyth : Noblemen, the Erle of Lothian, Lord Vchiltrie, Lord Sanquhar, Lord Boyd : Barones, Wauchtoun, Lutquharn, Glenurquhart younger, Clunie-Gordoun, Bonytoun-Wood, Weemes, Balvaird, Balconie, Balcarras, Balmanno, Bombie, Blackbarrourie, Lagg : Burgeses, for Edinburgh, David Aikenhead, George Foules ; for Perth, James Aedie, Constant Malice ; for Dundie, Mr Alexander Wedderburn younger, Robert Clayhills ; for Aberdeen, Mr John Mortimer ; for Stirlie, Christopher Alexander ; for Sanct Andrewes, John Knox, Thomas Lenton ; for the Universtie of Sanct Andrewes, Doctor Bruce ; Bishops, all except Argyle and Isles ; Ministers, Commissioners from Presbyteries.

In the morning, Patrick Bishop of Aberdeen preached a sermon upon Ezra vii. 23. Whatsoever is commanded by the God of heaven, let it be diligently done for the house of the God of heaven : for why should there be wrath against the realm of the king and his sons. The other sermon at

\* The proceedings of this Assembly have been taken from Bishop Lindsay's " True Narration," &c. ; and from Calderwood's " Perth Assembly," and his printed and manuscript Histories.



ten hours was preached be John Archbishop of Sanct Andrewes, in the Little Church, on 1 Cor. xi. 16. But if any man seem to be contentious, we have no such custome, neither the churches of God.

The Sermon ended, the Archbishop of Sanct Andrewes came to the Table, at which his Majesties Commissioners, Noblemen, and other members of the Assembly, were fitting, and placed himself at the head of the table, in the Moderators chair beside his Majesties Commissioner.

After prayer, the Archbishop calling for the ordinarie Clerke of the Assembly, was answered, That Master Thomas Nicholson, who formerly served the Church in that place, had demitted his office in favour of Master James Sandelands Aduocate: This he notified to the Assembly, as that which he had vnderstood before, and shewed that the said Master James was a man sufficiently qualified for the place, of good report, and one that by his education and pleading might further the particular businesse of Ministers before the Session. He desired the Assembly to consider what was fittest to bee done, and aduise whether they would receiue the said Master James in the others place or not: The voyces of his Maiesties Commissioners, the Noblemen, Bishops, and diuers of the Ministers being asked, they all without exception agreed to his receiving. And the said Master James being recalled (for while the voyces were asked, he was remoued) had an oath ministred vnto him, for his diligent and faithful discharge of that seruice.

The said Master James Sandelands being admitted, command was giuen to all that had interest in the said Assembly, to giue in their commissions to him before the next sitting; and nomination was made of certayn for the Conference, according to the order kept in other Assemblies; in which besides the Bishops, Noblemen, Barons, and Commissioners of Burrowes, the most wise and learned of the Ministrie were named indifferently, without any respect had of their opinions and priuate inclinations.

At this time it was moued by Mr George Grier, Minister at Hadingtoun, That the libertie of the Church might bee kept in the choosing of a Moderator; which the Archbishop of Sanct Andrewes repressed, saying to the proposer, That he did not expect him to be a trowbler of the Church, and the businesse thereof; and that the Assembly was met within the bounds of his charge, wherein so long as he serued, he trusted none would usurp; at which he kept silence: and streight wayes arose another, who asked whether all the Noblemen and Barons present should have voyce, or

not, and if the whole Ministers that were met there, should haue voyces also: The Archbishop of Sanct Andrewes answered, that the order obserued in former Assemblies should here be kept, and no Ministers haue voyce that lacked a commision: But as for Noblemen, and Barons who were come thither vpon his Majesties missiues, he trusted none there would denie them voyce, specially since in the Assembly that proceeded at Sanct Andrewes, it was one of the reasons they made for differring the conclusions of matters, That none of the Noblemen, or Barons were then present to assist the proceedings of the Church.

It was desired also, that the Articles to bee entreated, might bee extended in such forme, as his Maiestie desired them to passe, and that some might be set apart to collect the reasons that should be proponed, for, or against the Articles, that the whole Assembly might haue the cleerer information. To this it was answered, that the Conference was to consider of these things, and what might serue best to prepare matters for the whole Assembly.

The Archbishop commanded his Majesties letter which was presented by Doctor Young Deane of Winchester, and directed to the Assembly, to be publickely read: The Tenor whereof followeth.

James Rex,

Right reuerend Fathers in God, Right trustie Cousins, and Counsellors, and others our trustie and welbeloued subiects, We greet you well: Wee were once fully resolu'd, neuer in our time, to haue called any moe Assemblies there, for ordering things concerning the policie of the Church, by reason of the disgrace offered vnto Us in that late meeting at Sanct Andrewes, wherein Our just and godly desires were not onely neglected, but some of the Articles concluded in that scornfull and ridiculous forme, as we wish they had been refused rather with the rest: Although at this time We suffered ourselfe to be intreated by you our Bishops, for a new Conuocation, and have called you together, who are now conuened for the selfe same businesse which then was vr'd; hoping assuredly, that you will haue some better regard of our desires, and not permit the unruly and ignorant multitude, after their wonted custome, to ouerfway the better and more judicious sort; an euill which we have gone about with much paines to haue amended in these Assemblies, and for which purpose according to Gods ordinance, and the constant practise of all well gouerned Churches in all ages, Wee have placed you that are Bishops and ouerseers of the rest in the

chiefeft roomes. You plead much, Wee perceiue, to haue matters done by consent of the Ministers, and tell Us often, that what concerne the Church in generall, should be concluded by the aduise of the whole, neither doe Wee altogether dislike your purpose : for the greater consent there is amongst your selues, the greater is Our contentment. But Wee will not haue you to thinke, that matters proponed by Us of that nature, whereof these Articles are, may not without such a generall consent be enjoyned by Our authoritie : This were a milknowing of your places, and withall a disclayming of that innate power, which We haue by our calling from God, by the which Wee haue place to dispose of things externall in the Church, as Wee shall thinke them to be conuenient, and profitable for aduancing true Religion amongst our Subiects. Therefore let it be your care by all manner of wise and discrete perswasions to induce them to an obedient yeelding vnto these things, as in dutie both to God, and Vs, they are bound : And doe not thinke, that We will be satisfied with refuses, or delays, or mitigations ; and We know not what other shifts haue beene proponed : for Wee will content Ourselfes with nothing, but with a simple and direct acceptance of these Articles in the forme by Vs sent vnto you, now a long time past ; considering both the lawfulnessse, and vndeniable conueniencie of them for the better furthering of pietie and religion amongst you. And it should haue rather becotted you, to haue begged the establishment of such things of Vs, then that Wee should thus neede to be put to vrge the practice of them vpon you. These matters indeede concerneth you of the Ecclesiasticall charge chiefly. Neyther would Wee haue called Noblemen, Barons, and others of our good Subiects, to the determining of them, but that Wee vnderstand, the offence of our people hath beene so much objected ; wherein you must beare with Vs to say, That no Kingdome doth breed, or hath at this time, more louing, dutifull, and obedient subiects, then Wee haue in that our native Kingdome of Scotland ; and so if any disposition hath appeared to the contrarie, in any of them, the same We hold to haue proceeded from amongst you : Albeit of all sorts of men, yee are they, that both of duetie were bound, and by particular benefits obliged, to haue continued yourselues, and by your sound doctrine and exemplarie life, kept others in a reuerend obedience to our commandements. What, and how many abuses were offered Vs by many of the Ministrie there, before our happie comming to this Crowne, though we can hardly quite forget, yet Wee little like to remember. Neither thinke We, that any Prince

liuing could haue kept him selfe from falling in vtter dislike with the Profession it selfe, considering the many prouocations that were giuen vnto Vs; but the loue of God and his truth still vpheld Vs; and will by his grace so doe vnto the end of our life : Our patience alwayes in forgetting, and forgiuing many faults of that sort, and constant maintaining of true Religion against the aduersaries (by whose hatefull practises We liue in greater perill then you all, or any one of you,) should haue produced better effects amongst you, then continuall resistance of our best purposes. Wee wish Wee be not further prouoked, and Gods truth, which you professe, of obedience vnto Principalities and Powers, bee no longer neglected, and slandered by such as, vnder the cloake of seeming holinesse, walk vnruely amongst you, shaking hands as it were, and ioyning in this their disobedience vnto Magistracie, with the vpholders of Poperie. Wherefore, our heartie desire is, that at this time you make the World see by your proceedings, what a dutiefull respect and obedience you owe to Vs, your Soueraigne Prince, and naturall King and Lord; that as Wee in loue and care are neuer wanting vnto you, so you in an humble submission vnto our so iust demands, be not found inferiour to others our subiects in any of our Kingdomes; and that the care and zeale of the good of Gods Church, and of the advancing of Piety, and Truth, doth chiefly incite Vs to the following of these matters; God is our Witnesse: The which, that it may be before your eyes, and that according to your callings you may strue in your particular places, and in this Generall Meeting, to do these things which may best serue to the promoting of the Gospel of Christ, euen our prayers are earnest vnto God for you: Requiring you in this and other things to credit the bearer hereof, our trustie Seruant and Chaplaine, the Deane of Winchester, whom We have expressly sent thither, that he may bring vnto Vs a true relation of the particular carriages of all matters, and of the happie euent of your Meeting, which by Gods blessing (who is the God of Order, Peace and Truth) Wee doe certainly expect; vnto whose gracious direction Wee commend you now and for euer.

Giuen at Theobalds, the 10 Julij 1618.

This Letter being once read, and again: The Archbishop protested that neither he, nor the Kirk of England had craved these novations, nor given counsell thereanent, and it was against his will that ever they were mentioned; yet that now he is perswaded, that his Majestie will be more glade

of the consent of this Assembly to the five Articles, than of all the gold of India.

The Archbishop then desired Doctor Young to speake, if so hee had any thing to say for seconding the Letter, whereof he was Messenger. And his words were these that followes.

Most Honorable, most Reverend, right Worshipfull, and dearly beloved : It might well become me, according to the example of Elihu in the Historie of Job, in presence of so wise, so graue, so religious, and learned an Assembly, to wait in silence till the more ancient in years had spoken : but that I know that the Souereigne Maiestie of our gracious Lord and Master the King, who hath regarded so much the lowlineffe of his seruant, as to send me vnto you at this time, to be the messenger of his will and pleasure, now openly read in your ears, will procure attention vnto a few words, which shall be vttered with the vprightnesse and sinceritie of a heart wholly deuoted, as vnto the glory of God, and honour of our great Master the King ; so to the happy, free, and flourishing estate of this Church and Kingdome, vnto which I am tyed by so many strong bands ; that Moses the friend of God, and Paul that chosen vessell of Christ, who are recorded in the holy Scriptures to haue exceeded in their affection to the people of Israel, their deare countrey men, did not in that owe more vnto them, then that which you all wel know I owe vnto you ; and would to God I were as able to pay so iust a debt, as I am, and euer shall be most ready and willing to acknowledge it ; *Hic amor meus pondus meum* : for from this loue and dutie I owe vnto this place of my first and second birth, (God hee best knowes) how the sorrowes of my heart haue bin enlarged, since the time of the last Generall Assembly at Saint Andrewes, to hear such words of indignation and iust displeasure, so often to proceed out of the mouth of so good and so gracious a Prince, like Moses the meekest man vpon the face of the earth : *Sed verendum etiam atque etiam quo exeat patientia tam saepe laesa* : Words spoken against these that are called to be Ministers, Embassadors of peace, and patternes of pietie and obedience ; vttered in the ears of them, who labour indeed, as it becommeth so loyall and louing subiects, by their humble and dutifull obedience vnto his sacred Maiestie, to outstrip those that went before them ; and albeit they haue the last, yet not to haue the least portion in our Davids loue. But as then with all good and well affected men I much grieved, so now I heartily rejoyce and praise God, that

notwithstanding of all that is past, I haue liued to see this day a Generall Synod once more of the Church of Scotland, called by the authority and expresse command and pleasure of our Souereigne Lord the King, which is the only true and best meanes indeed, vsed in all ages for extirpating of all Sects, Errors, and Heresies, and for the planting of truth, and good order in the Church of Christ. And I pray God, that all things at this meeting may, by the direction of Gods good Spirit, and by your Wifdomes, be so carryed, that you abridge not your selues and posterity of so great a blessing, and procure that not only these things which are now required, but that other things more difficult bee injoynd and enforced vpon you, vpon strict penaltie by Supreme Authority. And therefore I desire (as I am sent to that purpose) with the Apostle Titus 3. to put you in remembrance, that you bee subiect to Principalities and Powers, and that you bee obedient, and ready to euery good worke : to put you in remembrance, that, by the great blessing of Almighty God, you haue to doe with so wise, so potent, so religious, so learned a Prince, the matchlesse mirror of all Kings, the nursing Father of his Church ; that he whose wifdome and authoritie is, in the composing of all differences both Ecclesiastical and Ciuill, so much required, respected, and admired, not only by his own people of his other Kingdoms, but by all good Christians of forrein Nations throughout the Christian world, may not seeme to be neglected by you his native subiects at home ; and you especially of the Ministerie, who ought to be examples and patternes of obedience vnto others, you whom he hath so infinitely obliged by his so great bountie and constant loue : To put you in remembrance, that as with no small disreputation vnto his Maiestie, and diminution as it were of his princely authoritie, in the iudgment and sight of the world, whose eyes are bent vpon these proceedings, he hath granted you so long time, by your Christian and godly endeouours with your severall flockes (whom you are to leade, and not to be led by them) to remoue (as you promised both to his Majesty being here amongst you, and againe confirmed at your last Generall Synod,) all those scandals, which might betaken by the more ignorant and vnaduised sort of your people, to whom all innouations, though to the better, may seeme at the first somewhat strange : so that now you would bee carefull, as much as in you lyeth, to take away that more dangerous and open offence and scandal, which by your delay, and refusall of obedience, you shall cast vpon the sacred person of our Soueraigne Lord the King, the most constant and zealous Protectour and Defender of that Faith and Truth, which wee all professe, and for the which

he hath suffered such open gaineſaying of the aduerſaries thereof, the limbes of Antichriſt ; as if hee, who hath laboured ſo much to exalt the glorie of this Nation farre aboue all his predeceſſours in the eyes of the World, now going about moſt of all to humble vs vnto our God, and in the performance of the Act of greateſt deuotion, according to his owne example, to bring vs vnto our knees, did in ſo doing any way vrge his ſubiects to any thing, which might fauour of Superſtition or Idolatrie : To remoue the ſcandall from thoſe who are in authority amongſt you, and are ſet ouer you in the Lord, who by their dutifull obedience vnto God, and their Soueraigne, haue alreadie, both by their doctrine and praſtice, commended thoſe things, which now are required of you, to be both lawfull and expedient : To take away that ſcandall and aſperſion, which by the ſeeming reaſons of your former refuſall, or delay, you haue caſt vpon others ſo glorious reformed Churches, as if the Holy Ghoſt, and Spirit of reformation had beene giuen onely to, and ſolely reſted vpon you : To remoue that notorious and publique ſcandall, which by the fierie and turbulent ſpirits of ſome few priuate men, lyeth heauiſe vpon the ſeruent and zealous Profeſſours of the glorious Goſpel of Chriſt, as if they alſo were diſobedient vnto Magiſtracie, and in this did ſeeme to ioyne hands with the maine vpholders and pillars of Poperie. It hath wounded the ſpirits of good men to hear it often ſpoken, *Nec dicatur (utinam amplius) Gathi, et in plateis Aſkelonis* ; nay to ſee it in print, that Herod and Pilate were now reconciled again, if not contra Chriſtum Dominum, yet contra Chriſtum Domini : Laſtly, to preuent that lamentable miſerie and calamitie, which God in his juſtice might bring vpon this Church, in that you regarded not the bleſſed time of your viſitation, and deſpiſed the long ſuffering and great goodneſſe of God, and of ſo bountifull and gracious a Soueraigne. And ſo to conclude, (for to ſtand now upon particulars were but actum agere, and you need no gleanings after ſo plentifull an harveſt, or the light of a candle being inlightned by the cleare beames of the ſunne,) with that of Naamans ſeruants, *2 Kings 5.* vnto their Lord and Maſter : Father, if the Prophet had commanded thee a greater matter, ſhoudeſt thou not haue done it ? &c. So, right reuerend Fathers and Brethren in Chriſt, if our moſt gracious Soueraigne Lord, who hath done ſo much for you, had commanded you greater things, ſo long as they might ſtand with the will of God, and in no waies be repugnant vnto the ſame, (for in that caſe indeed, the Apoſtles rule holds inuiolably true, *δὲ πειθαρχεῖν ὁ θεῷ μᾶλλον ἢ ἀνθρώποις*, that we muſt rather obey God, then men) ſhould you

not haue beene readie yourselues, and by your doctrine and practise haue induced others to obedience? much more then, when he requireth of you but these few necessarie things, necessary and expedient for the glorie of God, for the aduancing of pietie amongst you; for the honour and due satisfaction vnto our Soueraigne Lord the King; for the happy establishing of order, peace, vnion, and loue amongst your selues, and in these vnited Kingdomes. Therefore let me beseech you in the bowels of Christ to giue all their due, *Quæ Cæsaris, Cæsari, quæ Dei, Deo.* And as Constantine the Great (as Eusebius hath it) wrote vnto his Churchmen, that troubled his peace and other weightie affaires, with their contentious humours; so let me intreat you in the behalfe of our Constantine, *Qui dum rogat, iubet: Date illi dies tranquillos, et noctes curæ et molestiarum expertes;* that so he may with much ioy and contentment of heart, yet once more, as he proposeth, if not often, visit your coasts, and those places which his soule loueth; and that this poore Church, and his natieue Kingdome, may be made euer more and more happie by his comming, and long, peaceable, and prosperous reigne: And God and men say Amen vnto it. Amen: Amen.

The Ministers defenders of the established order, required four things.  
 1. That none be admitted to vote, but such as were authorized by lawful Commission. The Archbishop answered, his Majesty had written to Noblemen and Barrones, willing them to be present at this Assembly: If any man had any exception against them, they should be heard. It was replied, that they were not to except against their honorable persons or presence; but earnestly to crave, that the order of the Church might be observed, whereby it is provided, that without Commission none have place to vote in General Assemblies.

2. That the libertie of the Church be not broken in the election of the Moderator, and that a lawful leet be made to that effect. It was answered by the Archbishop, that this Assembly is convocat within the bounds of his Diocie; he would understand, who would take his place over his head.

3. That the Articles, proponed in short and general summes, might be put in forme, and amply extended, as his Majesty would have them enacted, that they be the better advised on and considered. The Archbishop answered, let alone these toyes, trouble us not with needles questions; we shall speak of these things in the Prive Conference.



4. That some of either opinion may be set apart to collect, and put in order the reasons of either side, for the more sure and easie information of the Assemblie. The Archbishop rejected this also, as impertinent.

The Archbishop proceeded to the nomination of the Privie Conference, before that the Clerk had received the Commissions.

There was chosen to be upon the Privie Conference, the Kings Commissioners, and Assessors, the Erle of Lothian, the Lord Ochiltry, the Lord Sanchar, the Lord Boyd: Barons Waughton, Weymes, Balcolmie, Bogie, Clunie, Glenvrquhart, Balcarras, Lagge, Balmanno, Bonintoun: Ministers, Mr Patrick Galloway, Mr Henry Blyth, Mr John Weymes, Mr George Grier, Mr John Carmichael, Mr William Scott, Mr Alexander Gladestanes Archdean of Sanct Andrewes, Doctor Philip, Doctor Strang, Doctor Bruce, Mr John Hay Parson of Ranfrew, Mr Thomas Muirhead, Mr Michael Wallace, Mr Thomas Ramsay, Mr James Knox, Mr Robert Henrifon, Mr John Guthrie, Mr John Malcolm, Doctor Forbess, Mr George Dowglafs, Mr Patrick Dumbar, Mr James Bishop, Mr George Chalmers, Mr James Simfon, Mr Robert Sommer, Mr David Lindfay, Mr David Monro, Mr Archbald Moncrieff, Mr James Burdoun, Mr John Mackenzie, Mr John Mitchelson, Mr Patrick Shaw, Mr James Hammilton Dean of Glasgow, Doctor Hammilton: The Commissioners of Edinburgh, Perth, Dundie, Aberdeen, Glasgow: And all the Bishops.

After the said nomination, the Conference was appointed to convene at three afternoon; and the Assembly at eight hours to-morrow morning.

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[Tuesdai at afternoone.]

The Conference convened at three afternoon. After Prayer, the Kings Letter was read againe. Then the Archbishop requested them to consider, by what means matters might most easly be brought vnto a point. He said that there appeared but two wayes: One whereof was by disputing the Articles, which was likely to consume a long time, and breed irritation, rather than any contentment else: The other was by a calme and wise consultation to consider how the said Articles might be received in all the Churches with least offence, and conclude the same; specially since they

had promised in the last Assembly to resolve themselves and others, of the equitie of the points required ; and which they like best, he desires them to choose.

He affirmed, that four Articles were already concluded in the Assemblies holden last at Aberdeen, and Sanct Andrewes, howbeit not in forme as his Majesty required ; and that kneeling only rested to be consented to. To prove his allegiance, a minute was read, containing the points conferred on at the places foresaid, and no farther evidence was produced. He added that his Highness altogether refused the cautions and conditions added by the said Assemblies, as frustrations of his intention. He affirmed his Majesty was still offended at the Assembly holden at Sanct Andrewes : for removing of that offence, he would have had the Article of kneeling put to voting in the Conference without reasoning.

The greater part esteeming, that such as were contrary minded, would never receive satisfaction, vntil matters were first reasoned ; and that it should bring a fore imputation vpon the Assembly to conclude any thing, which had not been first debated by arguments, urged the disputing of the Articles, which was of the rest condescended vnto. Then it being proposed, if they would take the said Articles in order, or beginne with the most controverted, they agreed vniformly to treat of kneeling at the receiving of the holy Sacrament in the first place, hoping that satisfaction being giuen in that Article, the lesse scruple should be made to the rest.

So according to the order, two were named to dispute that Article, to wit, Doctor Henrie Philip and Doctor William Forbes for the one side ; and Master William Scot and Master John Carmichael for the other : These two last named, after a graue protestation made of their unwillingnesse to be heard opposing to any matter, for the which his Maiestie seemed so earnest, excused themselves by the necessity of the commandment, and their owne resolutions, which they held to be well grounded, wishing that no offence might be taken at their speeches, which they should be carefull of, and say nothing but with that reuerence which become them in so honourable an hearing. And then adding, that the contrary order had beene long kept in this Church with great profit, and the comfort of many good Christians : if now any would preasse to abolish that which had been in force, and draw in things not yet received, they be holden to prooue, eyther that the things urged were necessary and expedient for our Church ; or the order hitherto kept, not meet to be retained. And for this purpose

they alleadged a passage of Master Hooker, in his Preface before the Bookes of Ecclesiasticall Policie, wherein hee craues, that such as seeke the reformation of Orders Ecclesiasticall in the Church of England, should content themselues with the opponents part, and be subiect to prooue these two things mentioned. It was replied, that the difference of their case and ours was great : for there a few priuate men desired the Laws publickely established to bee inuerted, and it was good reason, that such should bee put to their confirmation of what they proponed : but heere the Prince, that by himselfe had power to reforme such things as were amisse in the outward policie, required to haue the change made : and therefore it concerned them to bring reasons, why his Maiesties propositions ought not to bee granted. This they declined for a great while, still protesting the reuerence they beare to his Maiesties commandments ; and without mentioning that which they would not oppose in Theli, they wished this question to be reasoned : Whether kneeling, or sitting at the Communion were the fitter gesture.

It was answered, that the question could bee no other wayes proponed then thus : His Maiestie desires our gesture of sitting at the Communion to be changed into kneeling : Why ought not the same to be done ? If it could bee shewed by the Word, or by any necessary consequent deduced out of the same, that his alteration craued, ought not to bee granted, because impious or vnlawfull, that should be enough humbly to decline the desire : and if otherwayes they could bring no argument to the contrary, a necessitie lay vpon vs to obey.

An houre or more was spent in such speeches, they declining still to giue any argument, and offering themselues to answer such reasons, as any man would propone for the alteration desired : whereupon the Archbishop of Saint Andrewes said, that if none would reason, he would put the Articles to voyces.

Then they proponed, that reasoning should bee publicke, and in face of the whole Assembly : It was replied, that nothing should be in Conference concluded to the preiudice of the Assembly ; alwayes matters must first be brought to some point in the Conference, and thereafter proponed to the whole number, who should be heard to reason of new, if he listed.

Hereupon they resolued to fall into dispute, and first, Master John Carmichael brought an argument from the custome and practice of the Church of Scotland, which had beene long obserued, and ought not to be altered,

except the inconuenience of the present order were shewed, and the desired gesture qualified to bee better. It was answered, that howeuer the argument held good against the motions of priuat men, yet his Maiestie requiring the practice to be changed, matters behoued to admit a new consideration ; and that because it was the Prince his priuiledge, that had the conseruation and custodie, as well of the Church, as of the Commonwealth, to call in question Customes and Statutes which he perceiued to breed any inconuenience in the state, euen by himselfe, it could not bee denied, that in a Church Asseembly, such as that was, his Maiestie might lawfully craue an innouation of any Church Rite, which hee esteemed not to be conuenient for the time.

From this argument, they went to another of Christ and the Disciples sitting at the first institution ; in discussing whereof, they were brought to acknowledge the gesture not to bee of the effence of the Sacrament, but alterable at the discretion of the Church : Only they held the custome formerly receiued to bee the better.

This was the proceeding of the first Conference, wherein because matters could not be brought to any point, continuation was made to the morrow after, and they warned to meete again at eight of the cloke in the morning.

Wednesday the 26 of August.

The Conference being met as was appointed, after inuocation of the Name of God, the Reasoners were desired to proceed where they had left the night before, and not to trifle time with speeches of small consequence. The reasoning continued from eight vnto eleuen of the cloke. And when the whole reasons proponed by the two forenamed, were in the iudgement of all men satisfied ; others were required, and had place giuen them to propone their arguments also, which was done in good order, and with such modestie as could be wished.

The Archbishop desired these of the Conference, to giue their iudgement in the matter reasoned. They opposed, that the custome was not to vote in Conference any matter, before it were brought to the full Asseembly ; but it was proued otherwise by these who had frequented the Assemblies, both of old and in the latter times ; as likewise it was told them, that these

Conferences resembled the meeting of the Lords of Articles in Parliament, where matters are accustomed to bee prepared and put in order, before they bee proponed to the whole State: and that the voting in Conference was by way of aduice onely, and not to determine; the power whereof belonged onely to the Assembly. This being acknowledged by the whole number to bee so, they offered that were present, to giue their owne iudgement without preiudging the Assembly; as accordingly they did: The whole number, some ten or eleuen excepted, declaring that by the reasons proponed, or any thing else they conceiued, they could not deny, but a change might bee made of the gesture in receiuing the holy Sacrament; and that it seemed conuenient for the Church to embrace the Article proponed by his Maiestie about kneeling, in regard of his desire and resolution to haue the same forme here established.

After the aduice concluded to bee giuen to the Assembly in this point, it was thought meet, that the Article presently reasoned, with the other Articles proponed by his Maiestie, should all of them be formed in the best and most agreeable words that could be deuised, for remouing all offence that might bee taken at the same, and no aduantage giuen to the aduersaries of the Truth: and to this effect were named some graue and wise Brethren, who were desired to haue the same in readinesse at four of the clocke in the afternoone; it being thought meit, that the full Assembly should not meet before Thursday again, at which time all might be prepared.

#### Wednesday at afternoone.

Albeit the meeting of the full Assembly was deferred to the next day, yet that afternoone, the whole number thronging in, whether that they were not aduertised of the delay, or that they desired to bee present with the Conference, came thither; which the Archbishop perceiuing, he tooke occasion to excuse the delay of meeting with them, declaring how farre they had proceeded, and that the Conference had committed the Articles to bee formed vnto certayne Brethren, who were at that time to present them; and therefore desired they should haue patience till the morrow, and leaue the Conference for that time by themselves, which they did.

How soone they were remoued, these who were appointed to forme the Articles, being inquired what they had done, answered, That they had

formed the Article about kneeling, but had no leifure to confider of the reft: This being read, which they had put in forme, was well liked of, and they required to haue the reft in readineffe at the time of the Affemblies meeting the next day.

The reft of that afternoone was fpent in the deuifing of fome overturre for the restraining of Simony, to bee proponed to the whole Affembly, which the next day after was by vniuerfall consent allowed: As likewise, the Commiffion for the planting of the Church of Edinburgh; and the forming of the Booke of Common Prayers; and extracting of the Canons of the Church. And thus ended this Conference.

. . . . .

Thursday the 27 of Auguft.

That day being an ordinary day of preaching, a Sermon was made by the reuerend Father in God William late Bifhop of Galloway.

The Affembly being met in full number, to take fome conclufion in the bufineffe, for which they were conuened, after inuocation of the Name of God, it was declared vnto them, that by the labours of the Conference in their private meetings, the Articles proponed by his Majeftie were brought and reduced into that forme, as it refted for the Affembly to confider, whether or not the fame should be receiued in our Church; and to moue them the rather to condefcend, his Maiefties refolution to haue the Articles receiued, was declared, and how no other anfwere could fatisfie, but granting of the faid Articles. They were likewise remembered of their promifes made to his Maiefties felfe at Saint Andrewes, and in the laft Generall Affembly, and had the lawfullneffe, and indifferencie of thefe matters at length of new expounded vnto them; neither was any of their common pretexts left vnanswered, place being giuen to all that would reafon againft any one of the Articles, to doe the fame. And while fome of them infifted by long fpeeches to haue a continuation made of matters to another Affembly, and a fupplication fent to his Majeftie for fome longer delay, his Highneffe Commiffioners hauing vrged a prefent anfwere, they were defired to ceafe, and not to trifle time with vnnecessary fpeeches, feeing matters should receiue decifion before they went forth of doores.

Doctor Lindfey his anfwere, being pofed on confcience to declare his

iudgement touching kneeling at the Sacrament, was this, On my conscience I neither know Scripture, reason, nor antiquitie, that enforceth kneeling, fitting, standing, or passing, as necessary; but thinke them all indifferent: and therefore, that any of them may bee lawfully vsed, when it is found expedient. And considering nothing to be more expedient for the weale of our Church, then to keepe peace with our gracious Soueraigne, and not to contend for such matters, I iudge, yeelding to his Highnesse desire to bee the onely best.

The Ministers with modest importunity insisted, that the matters depending might be better cleared by farther reasoning and advisement, so much the rather because these matters had not been reasoned in full Assembly, for the information of all these that had interest. And suppose all this had been done in the Conference; yet all was new to the full Assembly, and ought to be repeated and fully discussed for information of all voters. Many Ministers had not so much as access to hear or propone one argument. They had no seats provided for them as the other party had. After much dealing, and many earnest speeches and desires to be heard, liberty was granted to a few, but with such checks and limitations to the party that pressed to propone and reason, that quickly they were cut off, and sourly rebuked; rather borne down with authority, than satisfied with reason. His Majesties chief Commissioner, Secretary Hamiltoun, and the Archbishop straitly enjoyned them, either to propone a new reason, or else to hold their peace, when as the argument had either not been proposed in Conference, or if proposed not answered; or if answered, not suffered to be replied to. In a word, the Archbishop professed plainly, that neither their reasons nor their number should carry away the matter. These Articles must be concluded, and should be concluded; although there were none but the eleven Bishops, with the authority of his Majesties Commissioners, they shall impose them. Some velitation there was about holy dayes; but nothing spoken of the three other Articles. The Kings chief Commissioner and the Bishops resolved to end all at this Session.

The Ministers not being permitted to reason, and pursue their arguments verbally with such liberty as was requisit, and fearing prejudice in voting, gave in some Articles in writt, to be considered before the five Articles were put to voting, professing they were ready to present in writt particular reasons against every one of the said Articles. The presenter Mr John Scringour Minister at Kinghorne was commanded to subscribe them, and

was rebuked as not having Commiffion. They fufpected he was to prefent a Proteftation againft the proceedings of the Affembly; for preventing whereof they had declaimed before againft the Proteftation, fubfcribed at the laft Parliament, as treasonable and feditious. But when he was perceived to feek a pen to fubfcribe, the Archbishop receiued them out of his hands, and desired the Clerk of the Affembly to read the fame. Two of them were read, and when they were perceiued to contain no matter of moment, or any new thing, which had not been before talked of, they were caft by, as not deferving any confideration.

The Articles prefented to the Affembly, Auguft 27. With fome quotations, added for confirmation.

For as much as we haue been debarred of acceffe, and from hearing the proceedings of the Conference, their reasonings, consultations and aduifements, anent the Articles proponed to this General Affembly; whereof all, and euery one of them fo nearly touches vs, in our Chriftian refolution, and offices of our Miniftry: in moft humble manner wee prefent to your confideration the particulars hereafter fpecified, in the feare of God, intreating your favourable anfwere to the fame.

1. The articles proponed, if they be concluded, they doe innouate, and bring vnder the flander of change the eftate of this Church, fo aduifedly eftablifhed by Ecclefiafticall Conftitutions, Acts of Parliament, approbation of other Kirks, and good liking of the beft reformed Kirks without and within this Kingdome, and fo euidently bleffed with happy fucceffe, and fenfible experience of Gods greateft benefits, by the fpace of fiftie eight yeares and aboue; fo that wee may boldly fay to the praife of God, That no Church hath enioyed the truth and puritie of Religion in larger libertie. And vpon fome fuch confiderations, it pleased his gracious Maieftie to continue the Church of England in her eftablifhed eftate, as may bee feene in the Conference at Hampton Court, and Thomas Sparke his booke written thereupon. *Ipsa quippe mutatio, etiam quae adiuuat vtilitate, nouitate perturbat: quapropter quae utilis non eft, perturbatione infructuofa confequenter noxia eft, faith Auguftine, Epift. 118. that is, Euen a change that is helpfull for vtilitie, perturbeth with the noueltie: Wherefore, confequently, a change that is not profitable, is noysome through fruitlefse per-*



turbation. Rather a Church with some fault then still a change, it is said in the Conference at Hampton Court.

2. The receiuing againe of these Articles so iustly reiected, and so carefully and long kept forth of this Kirk, griueth the reformed Professours tenderly affected to our reformation, and giueth occasion to our aduersaries to reprove our separation from them, of rashnesse, leuitie and inconstancie; and not only hindereth their conuerſion, but strengthneth their hope of our further conformitie with them. *Quoties non mutarunt suam quisque sententiam? Quod aedificant hodie, cras destruunt; hodie lapidem locant in fundamentum, caementoque confirmant, quem postero die eruunt et conterunt. Ubique revocationes, emendationes, novi foetus, aliae atque aliae, quoties nova sententia placet, assertiones: alius deturbat alium, confusio confusio permiscetur; atque interim scinditur incertum studia in contraria vulgus. Nec adhuc cernimus aliud; et quis nisi mente captus dicat, istiusmodi artifices reaedicare Ecclesiam Dei; quibus omnia incerta, fluxa, instabilia, contraria; quibus nulla dogmatum constantia, nulla animorum consensio? Antididagma Coloniens. Pag. 4.* That is, How oft have they not changed every one their opinion? That which they build to day, they demolish to morrow: They place this day a stone for a foundation, and make it sure with mortar, which they pull up the day following, and bruiſe in pieces. Every where there is revocations, corrections, new births, diuerſe assertions, as oft as a new opinion pleaseth any of them; one throweth down another; confusion is mingled with confusion; and in the mean time the doubtful vulgar are ſeuered in contrary factions. Neither yet doe we perceive any other thing: And who will ſay, except ſuch an one is beſide himſelf, that ſuch artiſans reedifie the Kirk of God, to whom all things are uncertain, flowing, unſtable, contrarious, who have no conſtancy in the heads of Doctrine, no conſent of minds?

3. They cannot ſtand in one profeſſion with brotherly kindneſs, peace, and loue, which muſt bee tenderly kept amongſt the members of Chriſts body, as the ſame conſiſteth of ſtronger and more infirme; as may appeare in the Apoſtolicall Rules following. 1. All things are lawfull to me, but all things are not profitable. I may doe all things, but I will not be brought vnder the power of any thing. 2. Let every man be fully perſwaded in his own minde. 3. Whatſoeuer is not of faith is ſin. 4. Let euery one vnderſtand according to ſobriety, as God hath dealt to euery man the meaſure of faith. 5. Take heed, leſt by any means this power of yours be

an occasion of falling to them that are weak. 6. Through thy knowledge shall thy weak brother fall, for whom Christ died. 7. When ye sin against the brethren, and wound their weak consciences, ye sin against Christ. 8. Whatsoever ye do, do all to the glory of God. 9. Give no offence, neither to the Jew, nor to the Grecian, nor to the Kirk of God. 10. Please all men in all things, not seeking your own profit, but the profit of many, that they may be saved. 11. Cause not your commodity to be evil spoken of. 12. Let all things be done honestly, and in order. Things indifferent (put the case mans inventions were of that nature) in the case of scandal, cease to be indifferent, and are as things moral. Perkins Gal. 2. 3.

4. They give way to humane inventions, and bring the wrong key there, of mans wit and will, within the house of God, whereby toys and trifling ceremonies in number and force are multiplied, as mens wits are variable to invent. Who requireth these things at your hands?

5. The admitting of some openeth the doore to the rest, and the multitude of such make vs inferior to the Jewes in two respects. 1. Their ceremonies were all divine. 2. In number fewer then ritually Christians do observe betwixt the Pasche and the Pentecost. Gerson complayneth, *Quod multitudine leuissimarum ceremoniarum vis omnis Spiritus Sancti, quem in nobis vigere oportuit, et vera pietas sit extincta*: That with the multitude of friuolous ceremonies, true pietie was extinguished, and the force of the Spirit, which ought to be epowerfull in vs. Jewel. Apollog. p. 116. *Sed quamvis hoc neque inveniri possit, quomodo contra fidem sunt, ipsam tamen Religionem servilibus oneribus premunt, ut tolerabilior sit conditio Judaeorum, qui, etiamsi tempus libertatis non agnoverint, legalibus tamen farcinis, non humanis praesumptionibus subjiciuntur.* August. Epist. 119. Howbeit it cannot be found, how they are contrary to the faith; yet they presse downe Religion it selfe with servile burthens, so that the estate of the Jewes is more tolerable, who, howbeit they did not acknowledge the time of their liberty, are subiect notwithstanding to the burthens of the Law, not to the presumptions of man. *Quanto magis accedit cumulo rituum in Ecclesia, tanto magis detrahatur non tantum libertati Christianae, sed et Christo, et ejus fidei.* Confess. Orthod. Cap. 27. that is, The more that the heape of rites and ceremonies in the Kirk increaseth, the more is derogated, not onely from Christian libertie, but also from Christ, and his faith. Learned and graue men may like better of the single forme of Policie in

our Kirk, then of the many ceremonies of the Kirk of England. Epist. before Basilicon Doron.

6. They hinder edification ; for how much time and zeale shall bee spent vpon the inbringing and establiſhing of theſe, as much leiſure and opportunity ſhall Satan get to ſow and water the tares of atheiſm, ſchiſme, popery, and diſſention. Conſider the ſentences following. 1. Let us proceed by one rule, that we may mind one thing. Phil. 3. 16. 2. Let us follow the truth in loue, and in all things grow up in him, who is the head, that is, Chriſt. Ephes. 4. 15. 3. Give no place to the Devil. 4. If ye be otherwiſe minded, God ſhall reveal the ſame to you. 5. Feed my ſheep. 6. Take heed unto yourſelves, and unto the flock. 7. Let no root of bitterneſs ſpring up to trouble you. 8. Fulfill my joy, that ye may be like minded, having the ſame loue, being of one accord, and of one judgement, that nothing be done through contention and vain glory ; but that in meekneſs of mind every man eſteem other better than himſelf. 9. Do all things without murmuring and reaſoning. 10. It was needfull for me to write unto you, that ye ſhould earneſtly contend for the faith which was once delivered to the Saints. 11. While men ſlept the enemy came, and ſowed his tares among the wheat, and went his way.

7. Matters of that nature bring ineuitably with them diſputations, diſſiſions, contentions, as may be ſeen in all Kirks, where ſuch coals of contention get entrie. The Paſcha of the Primitive Kirk, the Interim of Germany, the rent of the Kirk of England, our own experience ſince the ſtrife of the External Gubernation began among us, &c.

8. They bring a ſenſible blot, either vpon the happie memory of our godly and wiſe predeceſſors, in ſo farre as wee depart from that reformation, ſo wiſely brought in, appointed and eſtabliſhed by them ; or elſe vpon our ſelues, by reſuming againe of dangerous ſuperfluities, without reaſon, reiecte by them for weighty and neceſſary cauſes. *Magnum eſt hoc Dei munus, quod una et Religionem puram, et eutaxian, Doctrinae videlicet retinendae vinculum, in Scotiam intuliſtis : Sic obſecro et obteſtor, haec duo ſimul retinete, ut, uno amiſſo, alterum non diu permanere poſſe ſemper memineritis.* Beza Epist. to Mr Knox. This is a great benefit of God, that ye haue brought into Scotland true Religion, and good order, the band that retaineth Doctrin, at one time : So I beſeech you and obteſt ; that you retaine theſe two together ; ſo that ye remember, that if the one be loſt, the other cannot long endure. And again he ſaith, *Quam recte*

illud, quod disciplinam simul cum doctrina conjungitis : Obsecro et obtestor ut ita pergatis, ne vobis idem, quod tam multis, eveniat, ut qui in limine impegerunt, progredi non possint ; imo etiam interdum ne velint quidem, quod longe miserrimum est. How well was that done, that yee conioyned doctrine and discipline together. I beseech you, and obtest, that yee goe forward, lest it happen to you, which has befallen to many that could not make a progresse, having stumbled in the very entry ; yea sometime were not willing, which is most lamentable.

9. They set loose the filthy mindes and mouthes of fleshly liuers, to triumph against the most sound and best reformed Professors, and to rejoyce in their rotten opinions, and restored opportunities of sensual obseruations of guising, gluttony, carrells, &c.

10. They are declared by this Church to bee contrary doctrine, as may bee seene in the first, second, and third Chapters of the first booke of Discipline, in these words : We iudge that all doctrine repugnant to the Euangell, should bee vtterly suppressed, as damnable to mans saluation. In the books of the Old and New Testament we affirm that all things, necessary for the instruction of the Kirk, and to make the man of God perfect, are contained and sufficiently expressed. By contrary doctrine, wee vnderstand whatsoever men by Lawes, Councells, or Constitutions, haue imposed on the consciences of men, without the expresse commandement of Gods Word, as keeping of holy dayes commanded by man, the feast of Christmasts, and other feasts, &c.

11. The Commissioners of Presbyteries here assembled, sufficiently understand, that neither the Presbyteries, from whom they have their Commissions, nor the particular Churches of this Realme, either require, are willing, or consent to admit these novations. *Confitentur Theologi, nil esse per Synodos Ecclesiis invitis obtrudendum.* The Diuines confesse, that nothing should be obtruded vpon Churches by Synods, against their will.

12. The Commissioners of Presbyteries here assembled, vnderstanding the alienation of them, from whom they receiued their Commission, from these Articles, can by no warrant bind nor oblige their vnwilling Presbyteries and Congregations to their votes. *Ecclesiam dissentientem et inuitam obligare quis potest ?* Who can binde a Kirk dissatisfying and vnwilling ?

13. There stand in force diuerse Acts of Parliament in fauours of our present order, Jacob. 6. Parl. 1. cap. 8. Ja. 6. Parl. 6. cap. 68. and cap. 69. Item, the first Act of the Parliament 1592.

14. The Ministers of this Church, by order of the same printed and inserted before the Psalme Booke, at their admissions respectiue, promise in the presence of God, and of the Congregation assembled, to abhorre and vtterly refuse all Doctrines alledged necessary to saluation, that is not expressly contained in the Old and New Testament; and according to the graces and utterances that God shall grant to them, to profess, instruct, and maintain the purity of the Doctrine contained in the sacred Word of God; and to the uttermost of their power to gainstand and convince the gainfayers, and teachers of mens inventions. Item, To submit themselves most willingly to the wholesome Discipline of this Kirk, by the which they were then called to their office and charge, promising in Gods presence obedience to all admonitions, secretly or publickly given, &c.

15. The Subscribers of the Confession of Faith be their oath therein contained, promise and sweare to continue in the obedience of the doctrine and discipline of this Church, and to defend the same according to their vocation and power all the days of their liues, under the pains contained in the Law, and danger both of body and soul in the day of Gods fearfull judgment: and to abhorre and detest all contrary religions; but chiefly all kind of Papistry in general, even as they are now damned and confuted by the Word of God, and Kirk of Scotland: but in special the Popes five bastard Sacraments, whereof Confirmation is one; with all rites, ceremonies, and false doctrines, added to the true Sacraments without the Word of God; his absolute necessity of Baptism, &c. Which Confession, and practice following thereupon, is come to the eyes of the World in print, and solemnly renewed in the Covenant celebrated in the General and Provincial Assemblies, Presbyteries, and Kirk Sessions, in the year of God 1596. And how shall any man be heard to speak against that whereunto he hath formerly sworn and subscribed?

The Ministers most humbly and earnestly requested the Kings Commissioners, that the concluding of the Articles might be continued, till their reasons were sent in writt to his Majesty, and his answer returned. But their humble request was refused.

Before the roll was called, his Majesties Letter was read againe in open audience of the Assembly; to the end they might see his earnestness about the same matters, and the last impression might incline the voters to consent.

The Ministers, defenders of the established order, required again, that none might have place to vote, but such as were authorized with lawfull Commission. But this order was not admitted: Yea, the Archbishop answered, that if all Scotland were present there, they should vote.

It was desired by some, That the Articles might be feuerally voted, as many would agree to some of them, who would not accept of all: But it was thought meetest to vote them in cumulo, because the denying of one would be to his Maiestie, as the denying of all.

The Archbishop took the roll of the names in his own hand from the Clerk. First, were called the Kings Commissioners and the Assessors; then the Noblemen, Bishops, and Barons; then the Doctors and Ministers; and last of all the Burgessees.

In end, by plurality of votes the five Articles were concluded.

1. Seing we are commanded by God himself, that when wee come to worship him, we fall down and kneel before the Lord our Maker; and considering withall, that there is no part of divine worship more heavenly and spiritual, then is the holy receiving of the blessed body and blood of our Lord and Saviour Jesus Christ; like as the most humble and reverend gesture of the body, in our meditation and lifting up of our hearts, best becometh so divine and sacred an action: Therefor, notwithstanding that our Kirk hath used, since the Reformation of Religion, to celebrate the holy Communion to the people fitting, by reason of the great abuse of kneeling used in the idolatrous worship of the Sacrament by the Papists: yet now seeing all memory of by past superstition is past; in reverence of God, and in due regard of so divine a mystery, and in remembrance of so mystical an union as we are made partakers of, the Assembly thinketh good, that that blessed Sacrament be celebrat hereafter meekly and reverently upon their knees.

2. Item, If any good Christian visited with long sickness, and known to the Pastor, by reason of his present infirmity, unable to resort to the Kirk for receiving of the holy Communion; or being sick shall declare to the Pastor upon his conscience, that he thinks his sickness to be deadly, and shall earnestly desire to receive the same in his house, the Minister shall not deny to him so great a comfort, lawfull warning being given to him the night before; and that there be three or four of good religion and conversation, free of lawfull impediments, present with the sick person, to com-

municat with him ; who must also provide a convenient place in his house, and all things necessary for the reverend administration thereof, according to the order prescribed in the Kirk.

3. Item the Minister shall often admonish the people, that they defer not the baptizing of infants any longer then the next Lords day after the child be borne, unless upon a great and reasonable cause declared to the Minister, and by him approved : As also they shall warn them, that without great cause they procure not their children to be baptized at home in their houses. But when great need shall compell them to baptize in privat houses, (in which case the Minister shall not refuse to doe it, upon the knowledge of the great need, and being timely required thereto,) the baptism shall be ministred after the same forme, as it should have been in the congregation : and the Minister shall the next Lords day after any such privat baptism, declare in the Kirk, that the infant was baptized, and therefor ought to be received as one of the true flock of Christs fold.

4. Item, For as much as one of the most special means for staying the increase of Popery, and settling of true Religion in the hearts of the people is, that a special care be taken of the trial of young children their education, and how they are catechized ; which in time of the Primitive Kirk was most carefully attended, as being most profitable to cause young children, in their tender years, drink in the knowledge of God and his religion ; but is now altogether neglected, in respect of the great abuse and errours which creapt into the Popish Kirk, by making thereof a Sacrament of Confirmation : Therefor, that all superstitions builded thereupon may be rescinded, and that the matter itself being most necessary for the education of the youth, may be reduced to the primitive integrity, it is thought good, that the Minister in every paroch shall catechize all young children of eight years of age, and see that they have the knowledge, and be able to make rehearful of the Lords Prayer, the Belief, and ten Commandments, with answers to the questions of the small Catechism used in our Kirk : And that every Bishop in his visitation shall censure the Minister, who shall be found remiss therein ; and the said Bishops shall cause the said children to be presented before them, and bless them with prayer for increase of their knowledge, and continuance of Gods heavenly graces with every one of them.

5. Item, As we abhor the superstitious observation of Festivall dayes by the Papists, and detest all licentious and profane abuse thereof by the com-

mon fort of professors ; so we think, that the inestimable benefits, receivit from God by our Lord Jesus Christ his Birth, Passion, Resurrection, Ascension, and Sending down of the Holy Ghost, were commendably and godly remembered at certain particular dayes and times, by the whole Kirk of the world, and may be also now : Therefor the Assembly ordains, that every Minister shall upon these dayes have the commemoration of the fore-said inestimable benefits ; and make choise of severall and pertinent texts of Scripture, and frame their doctrine and exhortation thereto ; and rebuke all superstitious observation and licentious profanation thereof.

The Bishop proponed an Act to be made, that all Ministers at their admission should swear, that they have made no privat paction for diminution of the stipends, modified be the Commissioners appointed be the Parliament.

Item, A ratification of the Catechism allowed at Aberdeen, and printed since with Priviledge.

Item, That every Minister have care, that the Act against beggars be observed in their parishes.

Item, That Mr William Scot and Mr Alexander Henderson be transported to Edinburgh.

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- EccLES, minister of, v. Frenshe.
- Edinburgh Magistrates, &c., *for* 731, *read* 720.
- Edinburgh, Ministers of, *for* 256, *read* 259,—*add* v. Balcanquhall, Balfour, Bruce, Cowper, Craig, Durie, Galloway, Hall, Hewat, Knox, Lawson, Rollock, Watson.
- Edinburgh, Presbytery, *for* 593-7, *read* 593, 597,—*for* 720, *read* 731.
- Edmonstone, John, minister, *insert* Tillieboill.
- Edmonstone, William, *transpose* 531, from Duntreath, to William, minister.
- Edrom, Edrom, minister of, v. Gates.
- Eglisgreg, minister of, *insert* v. Gudefallow.
- Elibank, v. Murray.
- Elliot, James, minister, *insert* of Forfar, before 1086.
- Erskine of Dun, *for* 255, *read* 355.
- Essie, *read* Essie and Nevay.
- Essilton, minister of, v. Daes.
- Exercise, *for* 50, *read* 57,—*for* 1105, *read* 1107,—*transpose* 692, after Presbytery.
- FAIRLAND, alias Kilgour.
- Family of the King, *for* 484, *read* 464.
- Fife, *for* 615,—*read* 615,—*for* 655, 656, *read* 655-657.
- Fingask, *dele* Kingask,—*for* Hay, *read* Forbes.
- Forbes, Auchanachie, *for* 826, *read* 825.
- Forbes of Pitaligo, 824.
- Forbes, Thomas, father and son, Aberdeen, 1017.

Forbes, William, of Barnes, *dele* 828.  
 Forbes, William, of Corsindea, 825.  
 Fordoun, *add* minister of, *v.* Pallady kirk.  
 Forfar, *insert* minister of, *v.* Elliot, Fullerton.  
 Forfest, *insert* Forsyth.  
 Forgan, minister of, *v.* Dury, Lindsay, Marche.  
 Forgundie, minister of, *v.* Ross.  
 Forres, minister of, *insert* Dundas.  
 Foulden, *add* Storie.  
 Foulis, minister of, *v.* Galloway.  
 Foulis, laird of, *v.* Munro.  
 Foulis, James, *insert* Dunkeld.  
 Fraser, Alexander, *insert* of Dorris.  
 Fraser, Andrew, in Tyry, 825.  
 Fraser, *v.* Phillorth.  
 Fraser, Paul, minister of Strathcathro, *for* 345, *read* 545.  
 Fraser, Thomas, 824, *dele* minister of Strathcathro.  
 Fullerton, John, of Sanquhar, *dele* 757, 763.  
 Fullerton, John, minister in Angus, 757, 763.

GALLOWAY, Patrick, minister, *insert* of Foullis.  
 Galloway, Bishopric of, 223, *dele* (Glasgow ?)  
 Garden, Gilbert, *insert* 355.  
 Gartly, minister of, *v.* Nicolson.  
 Gates, Patrick, *for* Edrom, *read* Dunse and Edrom,—*dele* 7.  
 Gilmour, *insert* in West Lothian.  
 Gladstones, Dr Alexander, *insert* Archdean, St Andrews.  
 Glasgow, Archbishop of, *for* 690, 603, *read* William Erskine, 690, 693.  
 Glasgow, Presbytery of, *for* 523, 771, *read* 524, 773.  
 Glenurquhair, *for* 1093, *read* 1091.  
 Gordon, Alexander, *for* 30, *read* 301.  
 Gowrie, William, Earl, *for* 570, *read* 571,—*add* *v.* Ruthven.  
 Graham, David, of Fintry, *for* 529, *read* 526.  
 Graham, John, advocate, *insert* one of the Lords of Session.  
 Guthrie, Alexander, minister, *insert* Alford.

HALKET of Pitferrian, 532.  
 Hamilton, Lord John, *add* 747.  
 Hamilton, James, in Dalry, *add* 532, 539, 567, 800.  
 Hamilton, James, of Libberton, *dele* 800.  
 Hamilton, James, of Kincavell, *insert* Sheriff of Linlithgow, *and* *dele* 532, 539, 567.  
 Hamilton, John, of Sanquhar, 292, 294.  
 Hamilton, Patrick, the Martyr, 36.  
 Hamilton, William, in Galloway, *add* 1047.  
 Hamilton, William, of Cambuskeith, *dele* 1047.  
 Harris, *v.* M'Leod.  
 Harvie, *for* Elricke, *read* Elke.  
 Hawick, *insert* minister of, *v.* Auchinmouty.  
 Hay, Robert, minister, *insert* in Dumbennan presbytery.  
 Hayning, *v.* Scott.  
 Hepburne, Robert, minister, *insert* Prestonkirk.  
 Hewat, Peter, *for* 1127, *read* 1128.  
 Holyroodhouse, minister of, *for* 206, *read* 204.  
 Home of North Berwick, *transpose* 1091 *from* Alexander *to* Sir John.  
 Home, Hume, George, *v.* Wedderburn.

IDOLATRY, *for* 25, *read* 23.  
 Idvie, minister of, *v.* Balfour, Ramsay.  
 Incest, *for* 154—6, *read* 152—4.  
 Innes, Alexander, *insert* Peathnick.  
 Innes, Robert, *for* Elreck, 826, *read* Elrick, 825.  
 Intrusion, *for* 482, *read* 492, 509.  
 Inveresk, *v.* Musselburgh.  
 Irvine, Presbytery of, *for* 549, *read* 550.  
 Isles, Bishop of, *for* 590, *read* 1091.  
 Jesuits, *for* 559, *read* 550.  
 Jure devoluto, *for* 869, *read* 863.

KELSO—105, *insert* minister of, *v.* Balfour.  
 Kemback, minister of, *v.* Monypenny.  
 Kennedy, Gilbert, monk, *dele* 6.  
 Kennedy, Quintin, Abbot of Corsraguell, 6.  
 Kilbride, minister of, *insert* Sharpe.  
 Kildrymmy, *insert* minister of, *v.* Cheyne.

Kilravock, *v.* Rose, Ross.  
 Kinkarth, *insert* Kingarth.  
 Kinnaird, Alexander, *insert* Cubin.  
 Kinninmonth, Patrick, *insert* of Callenge.  
 Kirkcaldy, minister of, *insert* Mitchelson.  
 Knox, John, minister of Lauder, *insert* or Melrose.

LABOURERS, *for* 47, 48, *read* 22,—*add* 874, *v.*

Oppression, Poor, Teinds.

Langton, *add* minister of, *v.* Methven.

Lasswade, *add v.* Nicolson.

Lathrisk, minister of, *insert* Cranston.

Laud, Robert, *read* Robertland, [Cunningham of.]

Lauder, burgh, *add* minister of, *v.* Knox, Lawder.

Leask, Leak, Thomas, *add* 825.

Lethington, *v.* Maitland.

Lindsay, David, Lyon herald, 290.

Lindsay, David, minister, Dundee, *add* 998.

Linlithgow, minister of, *insert* Cornwall.

Livingston, Harie, minister, *insert* near Stirling.

Logie, (near Stirling,) minister of, *v.* Hume.

Lundie, George, minister, *insert* Dalmeny.

MAYBOILL, Presbytery of, *add* 648.

Melrose, minister of, *insert* Knox.

Merkinch, minister of, *v.* Watson.

Murray, Charles, of Cockpale, *read* of Cockpule,  
 756.

Musselburgh, *insert* Inveresk,—*add* Blackhall,  
 Burne.

NEWLANDS, minister of, *v.* Allan.

Newton, Laird of, *add* Oliphant.

Nithisdail, *for* kirk, *read* kirks.

OATHS, *add* 1139.

Oppression, *v.* Labourers, Poor, Teinds.

Ormistoun, minister of, *add* Bennet.

Oswald—minister, *insert* in the Merse.

PETFODDELS, *v.* Menzies.

Poor, *add v.* Labourers, Oppression, Teinds.

Prestonkirk, minister of, *v.* Hepburne.

RAMSAY, *for* Bowman, *read* Bomaine.

Robertland, [Cunningham of,] 873.

Rig, James, *add v.* Carbarrie.

Ruthen, *v.* Ruthven, William, of Bellindane.

Ruthven, *for* William, *read* William Lord,—  
*add v.* Gowrie, Earl of.

ST CUTHBERTS, minister of, *v.* Aird, Harlaw,  
 Pont.

St Marie's Isle, *v.* Lidderdale.

Sanderson, *insert* Tynningham *before* Whitting-  
 ham.

Scott, William, *transpose* minister of Cupar, *be-  
 fore* 1037.















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